

Summary of the Twenty-ninth Annual Session of the International Seabed Authority (Second Part): 15 July – 2 August 2024

“This is the start of a new era for the International Seabed Authority (ISA).” That was the message following the election of Leticia Reis de Carvalho (Brazil), as the new ISA Secretary-General, who will assume office on 1 January 2025. Her election was the culmination of a three-week long meeting of the ISA Assembly and Council. The incoming Secretary-General will need to balance or resolve competing interests and approaches toward activities in the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction (the Area), including commercial deep-sea mining. While divergent views arose around technical issues, the crux of the issue is that some Member States are calling for a precautionary pause, moratorium, or ban on deep-sea mining, while others want to initiate commercial exploitation of deep-sea mineral resources as soon as possible.

The Council’s main task was the consideration of the draft exploitation regulations for deep-sea mining. During an intensive two-week session, delegates were able to conclude the first reading of the consolidated text, which comprises the entire set of regulations, that members started to address at the first part of the 29th session in March 2024. This was celebrated as an important milestone, with some emphasizing that “it brings us one step closer to the adoption of the regulations.”

Other delegates were less optimistic. They stressed that, notwithstanding progress, much remains to be done. They pointed to unresolved matters discussed by eight intersessional working groups, including issues such as effective control, equalization measures, and provisions related to inspection, compliance, and enforcement, all of which are complex and attract diverging views. Delegations further highlighted ongoing work on outstanding issues, such as the rights and interests of coastal states, test mining, and on novel concepts, such as intangible underwater cultural heritage.

Many delegates further agreed that much work remains before reaching agreement on, among other things: the financial mechanism and benefit-sharing provisions; regulations that guarantee the effective protection and preservation of the marine environment, including those on environmental impact assessments and environmental impact statements; provisions on liability; institutional arrangements, including the operationalization of the Economic Planning Commission; and coordination with other existing international frameworks and initiatives on ocean governance.

Other than its work on the draft exploitation regulations, the Council addressed the report of the Chair of the Legal and Technical Commission (LTC); the first report of the Interim Director General of the Enterprise; and the report of the Secretary-General on the LTC reports. Delegates held lengthy discussions on the report of the Finance Committee, eventually forwarding the proposed ISA budget for the next biennium to the Assembly for its consideration.

The Assembly adopted the budget, despite concerns by some members, and spent a considerable amount of time discussing the 2024 annual report of the Secretary-General on the activities of the ISA Secretariat. While many underscored the breadth of activities, particularly around capacity building and the promotion of marine scientific research, polarizing opinions resurfaced on what many considered as two important items on the Assembly’s agenda: the second periodic review and an ISA general policy on the protection and preservation of the marine environment.

The suggestion for initiating a process for the second periodic review of the international regime of the Area did not achieve consensus, despite clear obligations under the UN Convention on the Law of the Sea (UNCLOS), and will be revisited next year. Similarly, the proposal by nine co-proponents to hold an intersessional informal dialogue for the development of an ISA general policy for the protection and preservation of the marine environment met stern opposition and was not even placed on next year’s agenda. Those in favor of developing such a general policy may resubmit a proposal for inclusion on next year’s agenda.

These disagreements are indicative of the complex environment the incoming Secretary-General will need to navigate. A long-standing participant, exiting the Jamaica Conference Centre after

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three weeks of intense work, noted: “Celebrations will not last long. The complexity of the decisions that need to be taken will impose hard work and contemplation.”

The ISA Council convened for the second part of its 29th session from 15-26 July 2024, in Kingston, Jamaica, attracting more than 250 delegates and observers, including representatives from 35 of the 36 Council members. The Assembly took place from 29 July to 2 August 2024 and was attended by more than 300 delegates and observers.

### **A Brief History of the ISA**

The 1982 UN Convention on the Law of the Sea (UNCLOS), which entered into force on 16 November 1994, sets forth the rights and obligations of states regarding the use of the ocean, its resources, and the protection of the marine and coastal environment. UNCLOS established that the Area (the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction) and its resources are the common heritage of humankind. Rwanda became the newest party in May 2023 bringing the total number of members to 169.

Polymetallic nodules were detected for the first time on the deep seabed by the HMS Challenger expedition in 1873. They are distributed on the surface or half-buried across the seabed, principally in the Clarion-Clipperton Zone in the Pacific Ocean. They contain nickel, copper, cobalt, and manganese, among other metals. Additional minerals have since been discovered in the Area: cobalt-rich ferromanganese crusts, which are mineral accumulations on seamounts that contain cobalt, nickel, copper, molybdenum, and rare earth elements; and polymetallic sulphides, which are formed through chemical reactions around hydrothermal vent sites, and contain copper, zinc, lead, silver, and gold.

Under the common heritage regime, UNCLOS provides that:

- no state can claim or exercise sovereignty or sovereign rights over any part of the Area or its resources;
- activities in the Area must be carried out for the benefit of humankind as a whole, irrespective of the geographical location of states, taking into particular consideration developing states’ interests and needs;
- the Area and its resources are open to use exclusively for peaceful purposes by all states, whether coastal or land-locked, without discrimination; and
- financial and other economic benefits derived from activities in the Area must be equitably shared, on a non-discriminatory basis.

To address certain difficulties raised by developed countries with the UNCLOS regime for the Area, the 1994 Implementing Agreement was adopted on 28 July 1994 and entered into force on 28 July 1996. The Agreement addresses fiscal arrangements and costs to state parties, institutional arrangements, the ISA decision-making mechanisms, and future amendments.

The ISA is an autonomous institution established under UNCLOS Part XI and the 1994 Implementing Agreement to organize and control activities in the Area, particularly with a view to administering the resources of the Area. Among other things, the ISA is mandated to provide for the necessary measures to ensure the effective protection of the marine environment from harmful effects that may arise from mining activities in the Area.

All UNCLOS parties are ISA members. The ISA organs include the Assembly, the Council, the Finance Committee, the LTC, and the

Secretariat. The Assembly consists of all ISA members and has the power to:

- establish general policies;
- set the budgets of the ISA;
- approve the rules, regulations, and procedures (RRPs) governing prospecting, exploration, and exploitation activities in the Area, following their adoption by the Council; and
- examine annual reports by the Secretary-General on the work of the ISA, which provides an opportunity for members to comment and make relevant proposals.

The Council consists of 36 members elected by the Assembly, representing:

- state parties that are major consumers or net importers of the commodities produced from the categories of minerals to be derived from the Area (Group A);
- state parties that made the largest investments in preparation for, and in the conduct of, activities in the Area, either directly or through their nationals (Group B);
- state parties that are major net exporters of the categories of minerals to be derived from the Area, including at least two developing states whose exports of such minerals have a substantial bearing upon their economies (Group C);
- developing state parties, representing special interests (Group D); and
- members elected according to the principle of equitable geographical distribution in the Council as a whole (Group E).

The Council is mandated to establish specific policies in conformity with UNCLOS and the general policies set by the Assembly, and to supervise and coordinate implementation of the Area regime.

The LTC is comprised of 41 members elected by the Council on the basis of personal qualifications relevant to the exploration, exploitation, and processing of mineral resources, oceanography, and economic and/or legal matters relating to ocean mining. The LTC reviews applications for plans of work, supervises exploration or mining activities, assesses the environmental impact of such activities, and provides advice to the Assembly and Council on all matters relating to exploration and exploitation.

The ISA has been developing a Mining Code, which is a set of RRPs to regulate prospecting, exploration, and exploitation of marine minerals in the Area. To date, the ISA has issued: Regulations on Prospecting and Exploration for Polymetallic Nodules (adopted on 13 July 2000, updated on 25 July 2013); Regulations on Prospecting and Exploration for Polymetallic Sulphides (adopted on 7 May 2010); and Regulations on Prospecting and Exploration for Cobalt-Rich Ferromanganese Crusts (adopted on 27 July 2012). The ISA is in the process of developing exploitation regulations.

### **Recent ISA Sessions**

**26th Session:** The 26th session of the ISA convened in two parts over two years (2020-21) due to the COVID-19 pandemic. The Council continued its work on the draft exploitation regulations, discussing, among others, a proposal for the development, approval, and review of regional environmental management plans (REMPs) and a proposal for minimum requirements for such plans.

The Council further approved: the plan of work for exploration for polymetallic nodules submitted by Blue Minerals Jamaica Ltd.; and seven applications for extension of contracts for exploration for polymetallic nodules.

The Assembly re-elected Michael Lodge as Secretary-General of the ISA for a four-year term (2021-2024), approved the budget for the period 2021-2022, and took other finance-related decisions, including appointing Ernst and Young as auditor for the financial period 2021-2022.

**27th Session:** The 27th session of the ISA was split into three parts in March, July, and November 2022. Throughout three meetings, the Council continued negotiations of the draft exploitation regulations.

At its first meeting, the Council agreed to consider a draft to operationalize the Enterprise at the next Council session. At its second meeting, the Council: approved a memorandum of understanding between the ISA and the African Union; and adopted a decision on the mechanism of the election of LTC members for 2023-2027, among others. At its third meeting, the Council adopted decisions related to: the reports of the Chair of the LTC; the commissioning by the Secretariat of a study on the internalization of environmental costs of exploitation activities in the Area; the development of binding environmental threshold values; and the possible scenarios and any other pertinent legal considerations in connection with section 1, paragraph 15, of the annex to the 1994 Implementing Agreement.

During the Assembly session in July, members adopted, among others, decisions on: the approval of the budget for the financial period 2023-2024 in the amount of USD 22,256,000; the election to fill the vacancies on the Council; and the implementation of a programmatic approach to capacity development.

**28th Session (First Part):** The first part of the 28th session convened from 16-31 March 2023. Council Members continued negotiating the draft exploitation regulations; addressed the possible scenarios and any other pertinent legal considerations in connection with section 1, paragraph 15, of the annex to the 1994 Implementing Agreement, the so call “two-year rule”; reviewed and adopted the LTC report; considered matters about the Enterprise and the status of contracts for exploration and related issues; and discussed on the operationalization of the Economic Planning Commission. The Council agreed on further intersessional work, including by the establishment of several informal groups.

The Council adopted decisions on: the establishment of the position of an interim director general of the Enterprise; the understanding and application of the two-year rule; and the report on the work of the LTC at the first part of the 28th session.

**28th Session (Second Part):** In July 2023, the Council continued the negotiations on the draft exploitation regulations and adopted decisions on: the understanding and application of the two-year rule; and the timeline following the expiration of the two-year period.

The Assembly struggled to agree on the meeting’s agenda regarding the addition of two suggested supplementary agenda items: the establishment of a general policy by the Assembly related to the conservation of the marine environment; and terms of reference for the periodic review of the international regime of the Area pursuant to UNCLOS Article 154 (periodic review). The Assembly decided to include the periodic review as an agenda item for its 29th session in 2024 and to extend the current Strategic Plan 2019-2023 by two years. The proposal on a general policy on the protection of the marine environment will be resubmitted for consideration at the 29th session.

**28th Session (Third Part):** During the third part of the 28th session (30 October – 8 November of 2023), the Council continued

the negotiations on the draft exploitation regulations, following the roadmap adopted at the July 2023 Council meeting. The Council agreed that the President will work on a consolidated text as the basis for the following discussions. Several modalities for intersessional work were agreed upon.

The Council adopted a decision recalling its request to the LTC to hold open meetings, where appropriate, and requesting the LTC to: annually name those contractors that have responded insufficiently, incompletely, or failed to respond regarding their contractual obligations; clarify the LTC criteria for using the silence procedure; and recommend further improvement for transparency measures while maintaining effective operation and ensuring data and information confidentiality. The Council further requested the Secretary-General to continue to pursue dialogue with contractors who have not yet submitted public templates on their plans of work.

**29th Session (First Part):** During the first part of the 29th session (18-29 March 2024), the Council’s deliberations were based, for the first time, on a consolidated text containing all the draft regulations. Council members managed to discuss one-third of the draft regulations contained in the consolidated text. Member-led intersessional working groups deliberated on several outstanding issues.

The Council also conducted elections to fill a vacancy on the LTC; addressed the report of the Chair of the LTC; discussed the report of the Secretary-General on cooperation with the Commission of the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention); and heard the report of the Secretary-General on incidents in the NORI-D contract area, inciting a discussion on the right to protest in the high seas and the contractor’s right to conduct authorized activities in the area, arising from a Greenpeace protest in December 2023.

### **ISA-29 Council (Part II) Report**

On Monday, 15 July, Olav Myklebust (Norway), President of the 29th annual session, opened the second part of the Council meeting, welcoming delegates and observers. He provided an outline of the indicative programme of work, stressing that most of the time will be devoted to the draft exploitation regulations, which “is still a work in progress, open for comments, suggestions, and adjustments.” He further highlighted thematic discussions on conceptual issues and thanked all delegates and participants for engaging in intersessional work.

ISA Secretary-General Michael Lodge underscored the efforts of host country Jamaica to ensure a smooth meeting following the impacts of Hurricane Beryl. He thanked the members of the LTC and the Finance Committee for their diligent work prior to the Council’s meeting, as well as all those who worked intersessionally, looking forward to a constructive session to move closer to the common objective of finalizing the draft exploitation regulations.

Spain for the EU, supported by CANADA and AUSTRALIA, strongly condemned the unprovoked and unjustified invasion of Ukraine by the Russian Federation, noting it violates the UN Charter and international law, and undermines international security and stability. The RUSSIAN FEDERATION expressed regret that the ISA “is yet again used for political statements not related to our agenda.”

Brazil, on behalf of the LATIN AMERICAN AND CARIBBEAN GROUP, reiterated that the text is not ready for adoption, supporting inclusive participation in discussions and cautioning against

informal discussions in smaller groups without full participation. She urged additional discussions on, among other topics: environmental thresholds; liability; REMPs; the structure and objectives of the environmental compensation fund; and the benefit-sharing mechanism.

Ghana, on behalf of the AFRICAN GROUP, reaffirmed its commitment to work constructively towards finalizing the regulations as soon as possible and cautioned against any attempt to undermine UNCLOS provisions.

CHILE, COSTA RICA, FRANCE, IRELAND, MONACO, and others reiterated their national positions that commercial exploitation should not commence in the absence of appropriate RRP that would guarantee the effective protection of the marine environment. They highlighted pending issues in the draft exploitation regulations that need to be addressed, such as the benefit-sharing mechanism, monopolization rules, and effective control.

CHILE and COSTA RICA suggested avoiding parallel negotiations and informal meetings, noting that, notwithstanding their usefulness, the process is not yet sufficiently advanced for such modalities. FRANCE expressed respect for the multilateral process and commitment towards developing a robust set of regulations.

On working modalities, IRELAND underlined that scheduling seven weeks of meetings per year “is not sustainable or realistic.” MONACO stressed the negotiations on the draft regulations should continue for as long as necessary, highlighting the need for sufficient understanding of the consequences of exploitation activities for deep-sea ecosystems.

SPAIN highlighted the need to decide which standards and guidelines have to be approved alongside the exploitation regulations and welcomed the document containing the compilation of proposals, including their proponents (ISBA/29/CRP.3).

The NETHERLANDS underlined that the Council needs to continue developing exploitation criteria, including those related to the protection of the marine environment, compliance, transparency, and accountability.

GERMANY, supported by IRELAND, suggested that, rather than holding a third Council meeting in 2024, President Myklebust should prepare a revised version of the consolidated text of the draft exploitation regulations. He added that, following review and comments, a further revised draft could be prepared and circulated in a timely manner for the Council meeting in March 2025.

CHINA noted the negotiations and consultations have been useful even though differences remain. He supported all working modalities aimed at facilitating the development of the regulations, including a third meeting in 2024 and any necessary parallel meetings.

INDIA noted that the work modalities adopted in July 2023 were very effective and supported continuing work in a similar manner. MAURITIUS stressed the importance of considering the ocean’s health and provision of ecosystem services when developing the draft exploitation regulations.

ARGENTINA emphasized the need to continue negotiations on the Mining Code in a constructive spirit, highlighting environmental and financial aspects of deep-sea mining activities, the need to ensure the protection of the marine environment, and the common heritage of humankind in accordance with UNCLOS. JAMAICA highlighted improvements in the consolidated text, including on harmonization and consistency with UNCLOS and the 1994 Agreement.

NAURU highlighted the need to achieve targeted milestones toward completing the draft exploitation regulations through a 2024-2025 roadmap. He underscored the discussion, during the first part of the 29th session in March 2024, on the Greenpeace protest in the NORI-D contract area in the Clarion-Clipperton Zone, stressing the need to ensure accountability and prevent similar future incidents, seeking support in progressing further dialogue on the matter.

GREENPEACE INTERNATIONAL emphasized that its protest was peaceful, safe, and that protests at sea are recognized as a lawful use of the high seas. She reiterated support for a moratorium or precautionary pause. She called for the Council to focus on the important matter at stake: effectively protecting the marine environment and the common heritage of humankind.

The DEEP SEA CONSERVATION COALITION (DSCC), for Oceans North, the Ocean Foundation, and the World Wildlife Fund, noted “we know things about the deep sea now that we could not have imagined 30 years ago,” but cautioned that scientific evidence shows “we are still decades away from making informed decisions about the deep sea.” She lamented the “looming threat” of applications for deep-sea mining, causing the Council to work under pressure with an untenable meeting schedule and reemphasized the growing call for a moratorium.

The UN Environment Programme (UNEP) spoke about the opportunity this session presents to move the needle on ocean governance, pointing to the recent achievements made within other international agreements. She reaffirmed UNEP’s commitment towards supporting capacity building and strengthening coherence around multilateral environmental agreements that support ocean governance.

### **Organizational Matters**

**Adoption of the Agenda:** Delegates adopted the meeting’s agenda during the first part of the 29th session in March 2024. On Monday, 15 July, Council members agreed upon the indicative programme of work for the second part of the Council meeting.

**Credentials:** On Thursday, 25 July, Secretary-General Lodge presented the credentials report, noting 31 states submitted credentials and four states submitted related information. The Council took note of the report.

**Report on the Relinquishment of Areas under Contract for Exploration:** On Friday, 27 July, President Myklebust introduced three reports on the relinquishment of two thirds of the area allocated under exploitation contracts to:

- the Federal Institute for Geosciences and Natural Resources, Germany, for polymetallic sulphides ([ISBA/29/C/16](#));
- the China Ocean Mineral Resources Research and Development Association for cobalt-rich ferromanganese crusts ([ISBA/29/C/17](#)); and
- the Japan Organization for Metals and Energy Security for cobalt-rich ferromanganese crusts ([ISBA/29/C/18](#)).

The Council took note of the reports.

**Report of the Secretary-General on the Status of National Legislation:** On Thursday, 25 July, President Myklebust introduced the report ([ISBA/29/C/13](#)).

BELGIUM drew attention to revised national legislation on deep-sea mining, reserving the right to establish higher standards than the ISA for deep-sea activities, where appropriate.

PANAMA and COSTA RICA highlighted the recent publication of a research paper on dark oxygen production at the abyssal seafloor, emphasizing the need to give scientists sufficient time

to study the seabed to effectively fulfill obligations towards the common heritage of humankind.

The Council took note of the report.

### **Consideration, with a view to Approval, of Applications for a Plan of Work for Exploration**

On Friday, 26 July, President Myklebust introduced the relevant documents ([ISBA/29/C/14](#) and [ISBA/29/C/19](#)).

Council members approved the plan of work for exploration for polymetallic sulphides by the Earth System Science Organization, Ministry of Earth Sciences, India, as recommended by the LTC.

On an application by the same applicant for approval of a plan of work for exploration for cobalt rich-ferromanganese crusts, the Council took note of the LTC report, stating that “the LTC is currently not in a position to consider this application until all processes related to the establishment of the outer limits of the continental shelf for the area concerned have been resolved.”

INDIA expressed its sincere gratitude for the approved plan and noted its commitment to engage in discussions with the ISA on the plan of work for exploration for cobalt rich-ferromanganese crusts.

**Final Decision:** In its final decision ([ISBA/29/C/23](#)), the Council approved the plan of work for exploration for polymetallic sulphides by the Earth System Science Organization-Ministry of Earth Sciences, India, and requested the Secretary-General to issue the plan of work in the form of a contract, in accordance with the regulations.

### **Report of the Chair of the LTC**

Delegates addressed the report of the LTC Chair on Thursday, 18 July, and Friday, 26 July.

On Thursday 18 July, Erasmo Lara Cabrera (Mexico), Chair of the LTC, delivered an oral report on the work of the LTC during the second part of the 29th session ([ISBA/29/C/7/Add.1](#)), held from 1-12 July 2024, noting it should be read in conjunction with the report from the first part ([ISBA/29/C/7](#)). He drew attention to the draft revised standardized procedure for the development, establishment and review of REMPs ([ISBA/29/C/10](#)) and to a side event hosted by the LTC on REMPs, which took place on Monday, 15 July.

LTC Chair Lara provided an overview of the LTC’s work, focusing on:

- the status of the contracts for exploration and periodic reviews of the implementation of plans of work for exploration;
- a prospecting survey report from Argeo Survey AS in the northern part of the Mid-Atlantic Ridge;
- training programmes under plans of work for exploration;
- annual reports of contractors, focusing on legal, financial, training, technological, geological, and environmental aspects;
- relinquishment of areas under contracts for exploration;
- applications for approval of plans of work for exploration;
- regulatory activities of the ISA, including the development of environmental threshold values; and
- environmental management planning, including the development of a standardized approach for the development, approval, and review of REMPs.

LTC Chair Lara highlighted, among other things:

- the development of a five-year periodic report template to provide common ground for contractors to submit periodic review reports;

- any request for adjustments to the plans of work would need to be in line with the respective contracts and follow proper consultation with the ISA;
- when assessing the performance of contractors, the LTC preliminarily identified those who would merit specific attention and requested the Secretariat to transmit its concerns in order to consider the matter further in early 2025;
- the development of environmental threshold values, noting significant progress related to the status of the knowledge base for their determination, scope, indicators, and the approaches to develop threshold values considering levels of uncertainty and confidence; and
- the standardized procedure, including a template of minimum requirements and recommendations on technical guidance, for the development, approval, and review of REMPs.

Delegates expressed appreciation for the LTC’s diligent work and commitment. COSTA RICA, SPAIN, GERMANY, among others, requested additional time to analyze the report.

ARGENTINA, the RUSSIAN FEDERATION, NAURU, and others highlighted the progress on the standardized procedure for REMPs. Several delegates, including the AFRICAN GROUP, BRAZIL, TONGA, MOROCCO, and TRINIDAD AND TOBAGO, affirmed the importance of training opportunities, capacity building, and professional development by contractors and the ISA, with many lauding the progress made to support gender equity and inclusion in marine sciences.

The RUSSIAN FEDERATION stressed that the standardized procedure would accelerate the development of REMPs in marine areas with ongoing exploration contracts. NAURU called for further work on the development of phase I and II standards and guidelines.

BRAZIL, COSTA RICA, and the NETHERLANDS stressed the importance of clarity in defining which aspects of REMPs should be binding and which can be left to the discretion of the LTC. NORWAY expressed appreciation for the work on a standardized procedure on REMPs, stressing the need for updates to take into account advances in scientific knowledge.

COSTA RICA stressed that the report focuses on cases that cause concern rather than on cases of non-compliance, and urged defining the procedures for those cases and naming contractors in breach of their obligations. She expressed concerns about the development of environmental thresholds without setting environmental goals and objectives. She also reiterated the call for open meetings of the LTC on non-confidential topics, promoting inclusiveness and transparency.

SPAIN expressed its satisfaction with a standardized approach for REMPs. PORTUGAL and the UK noted the Secretariat should notify Member States on REMPs development, rather than merely posting them to the ISA website.

The AFRICAN GROUP, COSTA RICA, and BRAZIL highlighted that the Voluntary Trust Fund to cover the costs of participation of LTC members has been depleted, preventing many from participating in LTC meetings. BRAZIL recalled that the mobilization of resources is a “fundamental goal” of the Secretary-General and called on Member States to continue their efforts in this area.

GERMANY and BANGLADESH questioned why the LTC’s report does not make specific reference to the proposed document submitted in 2020 on the REMPs template. The NETHERLANDS

further asked why a 2022 proposal to disclose the names of non-compliant contractors has been “repeatedly ignored” by the LTC.

While they noted that contractors should be given the opportunity to respond to or remedy issues of non-compliance before being publicly named, the COOK ISLANDS and others supported the need to name contractors that repeatedly fail to uphold their contractual obligations.

Many delegates, including MOROCCO, the UK, the NETHERLANDS, the RUSSIAN FEDERATION, CHINA, and NAURU, noted the importance of developing environmental threshold values and expressed gratitude to the expert group for their work.

CANADA stressed that any decision by the ISA and the LTC needs to be made using the best available scientific information, highlighting contributions to existing environmental thresholds. BELGIUM thanked the LTC for incorporating its suggested inclusion of certificates of origin and noted the importance of working with external experts when considering applications for plans of work.

INDIA, GERMANY, the UK, the NETHERLANDS, the COOK ISLANDS, and others supported further refinement of the periodic reporting template, noting its effectiveness for consolidating data, understanding resource and environmental baselines, and bridging knowledge gaps.

Interim Director-General of the Enterprise Eden Charles stressed the LTC’s role in safeguarding marine ecosystems by establishing environmental limitations and standardized approaches for monitoring activities in the Area.

The Deep Ocean Stewardship Initiative (DOSI) expressed concern about a lack of research on key aspects of the marine environment and on the modalities to apply the principles and objectives of the procedures for REMPs development. The PEW CHARITABLE TRUSTS queried the stakeholder consultation process for the development of environmental threshold values and supported the request for the LTC to name contractors that are not complying with their contractual obligations.

LTC Chair Lara underscored that the LTC would analyze the Council’s request to identify non-compliant contractors. On the LTC providing technical guidance, he noted that guidelines are to be updated when new scientific information becomes available. Lara stated the standardized approach for REMPs includes the participation of stakeholders, noting the LTC has the tools to integrate all views in the development of REMPs.

Secretary-General Lodge underscored the need for more funds to support the participation of LTC members, given its increased membership, calling for contributions to the Voluntary Trust Fund.

On Friday, 26 July, President Myklebust introduced the written report, reminding delegates of LTC Chair Lara’s oral presentation. He noted that additional comments would be conveyed to the LTC.

Delegates offered complementary interventions. On the standardized procedure for the development, establishment, and review of REMPs, CHINA, FRANCE, the FEDERATED STATES OF MICRONESIA (FSM), GERMANY, POLAND, PORTUGAL, the RUSSIAN FEDERATION, SPAIN, and TRINIDAD AND TOBAGO welcomed its development.

GERMANY stressed that provisions on REMPs should be binding. SPAIN stressed the need for environmental studies outside the contract area for REMPs’ review, as well as studies on pelagic communities in the water column. FSM suggested indicating

ongoing work on underwater cultural heritage (UCH) and the need to include social connections to the deep sea, including by Indigenous Peoples. CHINA offered suggestions to amend and improve the procedure and template.

CANADA highlighted: data accessibility, taking into account confidential information, as appropriate; the need for a guidance document on expert selection on REMPs and sufficient time for nominations and submissions; and effective stakeholder engagement.

ITALY, POLAND, PORTUGAL, the RUSSIAN FEDERATION, SPAIN, and TRINIDAD AND TOBAGO highlighted the implementation of training programmes. PORTUGAL requested clarifying the notification procedures for prospecting activities. GERMANY and TRINIDAD AND TOBAGO reiterated the request to name contractors who failed to meet their reporting obligations or who do not fully comply with the RRP. ITALY, GERMANY, POLAND, the RUSSIAN FEDERATION, and SPAIN welcomed experts’ work on developing environmental threshold values, calling for an inclusive process.

The Council took note of the LTC Chair’s report. On the draft standardized procedure for the development, establishment, and review of REMPs, the Council noted it considered the draft procedure, as contained in document [ISBA/29/C/10](#), and requested the LTC to further develop the draft, based on, among other things, comments made during the Council session.

### ***Report of the Finance Committee and Budget***

On Friday, 19 July, some delegates queried when the reports of the Finance Committee, including the budget, would be made available, stressing the need for sufficient time to consult and study the documents.

On Monday, 22 July, President Myklebust noted that the report of the meeting of the Finance Committee was circulated in an unedited version on Saturday, 20 July.

GERMANY, supported by COSTA RICA, BRAZIL, CHILE, SWITZERLAND, PORTUGAL, BELGIUM, MONACO, and FRANCE, suggested devoting additional time to address the report, and proposed holding a preliminary discussion on Wednesday, 24 July.

Ghana, for the AFRICAN GROUP, requested additional time for consultations on any amendment to the agenda. CHINA underscored the need to properly consider the report and suggested proceeding with the original programme of work.

President Myklebust noted that there is no consensus for amending the programme of work, inviting further informal consultations.

On Tuesday, 23 July, members reiterated the request for additional time to discuss the Finance Committee report but could not reach consensus. Following discussions, delegates decided to have a closed informal meeting for an initial exchange on Wednesday, 24 July, at lunchtime.

On Thursday, 25 July, Finance Committee Chair Khurshed Alam (Bangladesh) presented the much-anticipated report of the Finance Committee ([ISBA/29/A/9-ISBA/29/C/20](#)). He reported on the following topics:

- implementation of the budget for 2023;
- status of the working capital fund and contributions;
- indicative scale of assessed contributions for the financial period 2025-2026;
- audit report on the ISA accounts for 2023;
- status of the trust funds of the authority and related matters;

- development of RRP's on benefit-sharing;
- proposed budget for 2025-2026; and
- budgetary implementations of a second periodic review.

Delegates expressed their gratitude to the Finance Committee for its work on the ISA budget and its recommendations.

The AFRICAN GROUP, ARGENTINA, BRAZIL, CANADA, CHINA, COSTA RICA, FRANCE, GERMANY, INDIA, ITALY, JAMAICA, JAPAN, MOROCCO, NIGERIA, POLAND, the RUSSIAN FEDERATION, SIERRA LEONE, SINGAPORE, TANZANIA, the UK, and UGANDA highlighted the growing responsibilities and expenditures of the ISA, stressing that, without sufficient resources, it will not be able to comply with its mandate to regulate exploitation activities in the Area and protect the marine environment. Ghana on behalf of the AFRICAN GROUP, ARGENTINA, and ITALY stated their appreciation for the zero-growth approach of the ISA's budget. Many delegates supported exercising budgetary discipline.

BRAZIL, CHILE, COSTA RICA, FRANCE, GERMANY, ITALY, and SWITZERLAND expressed concern over expenditures related to travel, consultants, and reclassification of posts within the Secretariat and highlighted overspending in the 2023-2024 budget. CHINA noted that neither the auditors nor the Finance Committee, when examining the audit reports, observed any irregularities. POLAND expressed concern over the increased budget allocated to the Enterprise.

On the Finance Committee's recommendation to consider financial contributions by observers, CHINA highlighted an increase in observer participation, increasing pressures on administrative arrangements, speaking time allocation, and interpretation resources. Other delegates, including BRAZIL, CHILE, IRELAND, and SWITZERLAND, expressed concern over introducing such a practice.

BELGIUM, BRAZIL, GERMANY, INDIA, ITALY, JAMAICA, NAURU, and TONGA praised the work of the Secretary-General to collect arrears from members that owe outstanding fees to the ISA. JAMAICA noted that members in arrears should be addressed on a case-by-case basis.

COSTA RICA, FRANCE, ITALY, and MOROCCO welcomed a second periodic review of the Secretariat's budget as requested by the Assembly in July 2023.

ARGENTINA, BRAZIL, CHINA, INDIA, MEXICO, NIGERIA, TONGA, and others highlighted the need for contributions to the Voluntary Trust Funds. BRAZIL and PORTUGAL requested more transparent reporting on expenditures related to the status of trust funds, such as indicating the number of developing countries that received funds to support their participation in the ISA.

The DSCC, on behalf of many environmental organizations, urged the Council not to adopt the recommendation relating to observers paying financial contributions, stressing it is contrary to UN practice and contradicts Rio Principle 10 (participation and access to information). They drew attention to their in-kind contributions, including among others: policy briefs; scientific knowledge sharing; side events; participation in public consultations; intersessional work engagement; and capacity building and workshops.

DOSI noted that such a measure would impede their ability to meaningfully participate in the ISA's work, highlighting DOSI's role in bringing independent and the most recent scientific knowledge into the negotiations to support informed decision-making.

The INTERNATIONAL UNION FOR CONSERVATION OF NATURE (IUCN) queried how the participation of observers in ISA meetings imposes substantial financial pressure on the budget, and whether the recommendation distinguishes between different categories of observers.

The PEW CHARITABLE TRUSTS noted that, over the past decade, it has voluntarily provided significant in-kind and financial contributions, underscoring that not all non-governmental organizations have the same financial capabilities.

On Friday, 26 July, Finance Committee Chair Alam, responding to delegates' comments, emphasized that the budgetary proposal was uploaded in a timely manner prior to the meeting.

He noted that the reclassification of posts within the Secretariat is in line with the relevant rules and prior practices of the ISA. Noting the relevant Finance Committee's recommendation, he stated that the suggested process for reclassification of posts will be followed from now on with the Assembly's approval. He further explained the process for approval or rejection of new posts for the Secretariat.

Chair Alam underscored that the Finance Committee provided a range of potential costs for the second periodic review of the international regime of the Area. He added that the Committee is not micro-managing the ISA accounts, stressing that wrongdoings fall under the mandate of the auditors.

He added that: further discussion is needed on the benefit-sharing mechanism; the Committee requested reducing the costs related with the Secretariat's participation at the UN Ocean Conference; and the recommendation on considering observer fees is up to the Council to decide.

He concluded by emphasizing that the proposed budget follows an evolutionary approach, as the ISA transitions from expenditures mainly focusing on conference services to regulating a multi-billion dollar industry that requires, among other things, environmental oversight and inspections.

Secretary-General Lodge clarified the development of the budget, including forecast documents, noting the final budget is USD 1million less than originally forecasted.

He further noted:

- overspending and any budget deviations need to be addressed at the end of any financial period;
- the requested format for reporting on the use of the Voluntary Trust Funds as well as the staffing tables and the request on travel expenditure can be implemented;
- the library as an important ISA asset;
- he followed the same process for post reclassification as his predecessors, expressing readiness to implement the Finance Committee's recommendation;
- 97% of assessed contributions were eventually received;
- the process for hiring an independent auditor, stressing that the auditor did not observe any improper expenditures; and
- the process for producing the Finance Committee report, the associated documents, and the delay in making available a clean version of the report.

On the last point, Secretary-General Lodge lamented that, despite the clarifications provided during the informal meeting on Wednesday, 24 July, he received various media inquiries on the budget, including "quotations by people in the room." He emphasized that "it is deplorable to make insinuations that the Secretariat intentionally changes documents or delays publications," stressing that "media leaking has to come to an end."

**Budget for 2025-2026:** On Friday, 26 July, delegates addressed the budget for the financial period 2025-2026 ([ISBA/29/A/3-ISBA/29/C/11](#) and [Add.1](#)), in conjunction with the discussions on the report and recommendations of the Finance Committee.

GERMANY and COSTA RICA noted they were not in a position to approve the recommendations in the Finance Committee's report and forward them to the Assembly, specifically referring to the proposed budget and the recommendation on the payment of financial contributions by observers. They emphasized they had not received satisfactory answers to many of the questions raised over the previous days.

IRELAND noted the need to review procedures for revision of documents, in accordance with best governance practices. PANAMA called for improving the communication strategy for disseminating all the information discussed in the ISA.

Ghana for the AFRICAN GROUP, supported by CHINA, ITALY, SINGAPORE, and UGANDA, supported forwarding to the Assembly the Finance Committee's recommendations and the proposed budget for 2025-2026, recommending their adoption.

Following informal discussions and clarifications by ISA Legal Counsel Mariana Durney, the Council adopted the final decision, approving most of the Finance Committee's recommendations and forwarding the budget to the Assembly for further discussion.

**Final Decision:** In the final decision relating to the budget for the financial period 2025-2026 ([ISBA/29/C/21](#)), the Council submitted the budget for the financial period 2025-2026 for the consideration of the Assembly.

### ***Report of the Secretary-General concerning the Implementation of the Decision of the Council in 2023 relating to the Reports of the Chair of the LTC***

On Thursday, 25 July, Secretary-General Lodge presented the report ([ISBA/29/C/15](#)), focusing on actions required to be taken by the Secretary-General.

He highlighted:

- conveying the LTC's comments and recommendations to individual contractors after evaluating their annual reports. Contractors included their replies in the relevant 2023 annual reports, reviewed by the LTC during the second part of the 29th session. He further underscored the sixth annual consultation between the Secretariat and contractors, held in Dar es Salaam, Tanzania, from 22-24 October 2023;
- the requirement to report, on an annual basis, instances of non-compliance and relevant regulatory action, noting that no such instances have been identified; and
- the request to continue to pursue dialogue with contractors who have not yet submitted public templates on their plans of work. He stressed that this is an ongoing process and drew attention to the successful conclusion of the data management review and reporting template training sessions, aimed at improving the consistency of data submissions.

Secretary-General Lodge noted that part three of the report refers to actions to be taken by the LTC. Part four addresses the status of the Voluntary Trust Fund to support participation of LTC and Finance Committee members, which is exhausted and will require substantial contributions to support all eligible members.

Ghana for the AFRICAN GROUP, JAMAICA, INDIA, and others highlighted the LTC's professionalism and hard work, and the Secretariat's support, despite challenges posed by Hurricane Beryl.

The AFRICAN GROUP, JAMAICA, INDIA, and others highlighted capacity building for developing countries, welcoming implementation of contractors' training commitments. The AFRICAN GROUP urged strengthening the participation of underrepresented groups and ensuring the sustainability of training programmes to foster a more inclusive and equitable environment for all, pointing to problems around the issuance of relevant visas.

JAMAICA and INDIA welcomed the standardized procedures for REMPs. JAMAICA emphasized that any adjustments to plans of work must be consistent with the respective contracts and subject to proper consultation with the ISA.

The AFRICAN GROUP, COSTA RICA, INDIA, JAMAICA, MEXICO, the UK, and others expressed concerns over the depletion of funds in the Voluntary Trust Fund, calling for contributions for the inclusive participation of LTC and Finance Committee members. COSTA RICA noted this constitutes an additional reason not to hold a third session of the Council in 2024.

INDIA acknowledged the Secretary-General's efforts to continuously communicate with contractors, highlighting that no alleged cases of non-compliance were reported.

ITALY highlighted: the data management review and reporting template training sessions; the development of a standardized approach for REMPs development; and progress on the establishment of thresholds, looking forward to relevant stakeholder consultations.

CHILE, COSTA RICA, SPAIN, and others stressed the need to name contractors whose reports were incomplete or insufficient, or who did not respond on issues of concern and are in breach of their contractual obligations. They reiterated the request for the LTC to hold open sessions on non-confidential issues to allow for greater transparency in its work.

COSTA RICA urged for criteria to define cases of non-compliance or breaches of contractual obligations and a procedure to follow in cases of violations, stressing that the document focuses on "cases of concern."

BELGIUM stressed that the standardized procedure for REMPs should only be adopted during the next Council meeting and questioned the LTC's discretion to decide on disclosing the names of contractors who failed to comply with their obligations.

The UK welcomed the LTC's criteria for naming non-compliant contractors and reinforced that the LTC should hold open meetings when not discussing confidential matters. MEXICO underscored progress toward transparency.

GREENPEACE INTERNATIONAL called for ensuring that Indigenous knowledge is included in the development of threshold values. He noted how recent scientific findings, such as the production of dark oxygen in the seabed floor, are beginning to align with Indigenous knowledge systems.

On Friday, 26 July, delegates held lengthy informal consultations, reaching consensus on the final decision.

**Final Decision:** In the final decision ([ISBA/29/C/24](#)), the Council:

- welcomes the LTC's development of criteria for identifying contractors at risk of non-compliance with the aim of naming contractors that have responded inadequately, or failed to respond;
- recalls its request for the LTC to revise its draft procedure and criteria for consideration of a request for the transfer of rights and obligations under a contract for exploration;



- invites members and observers to comment in writing within 90 days after the adoption of this decision about the draft standardized REMP's procedure, the template with the minimum requirement, and the recommendations on technical guidance;
- urges the LTC to hold open meetings, where appropriate;
- calls for contributions to the Voluntary Trust Funds to support the participation of developing countries in the ISA's organs; and
- requests the Secretary-General to clarify the procedures and practices, including the timing, of communications to ISA members and the LTC on prospecting activities in the Area.

### **Report of the Interim Director-General of the Enterprise**

On Thursday, 25 July, Eden Charles, Interim Director-General of the Enterprise, reported on the activities related to the Enterprise ([ISBA/29/A/6-ISBA/29/C/12](#)). Charles outlined the report, activities, and progress of his work, including:

- participation in discussions on the draft regulations for the exploitation of minerals in the Area;
- studying managerial policy options and availability of trained personnel;
- monitoring and review of trends in deep seabed mining activities;
- assessing available data relating to reserved areas; and
- assessing approaches to joint venture operations.

Zimbabwe for the AFRICAN GROUP, ARGENTINA, the BAHAMAS, CHINA, INDIA, ITALY, MEXICO, SPAIN, TANZANIA, TRINIDAD AND TOBAGO, UGANDA, and others welcomed the report and progress made towards operationalizing the Enterprise. Many stressed the opportunity that the Enterprise provides for developing countries to engage in activities in the Area.

The BAHAMAS underlined that the Enterprise must have the proper resources to conduct envisaged functions. CHINA supported the Interim Director-General's research on the establishment of joint ventures and engagement in the development of exploitation regulations. MEXICO and INDIA highlighted the value of continuing to assess available data on reserved areas and the most suitable models for joint ventures. INDIA commended the monitoring and review of trends in deep-sea mining activities.

SPAIN encouraged consultations with contractors who offered joint ventures rather than providing a reserved area. TRINIDAD AND TOBAGO drew attention to the need to operationalize the Economic Planning Commission. ITALY suggested providing an interpretation of "commercially sound principles" in the next report.

The AFRICAN GROUP underlined that the Enterprise, once independent, can serve as a model for the industry as a whole.

The JUSTICE FOUNDATION, the OCEAN FOUNDATION, and WWF INTERNATIONAL stated that the profitability of deep-sea minerals will continue to be uncertain. They noted that lithium iron phosphate batteries now represent 42% of the global battery market, substantially reducing the demand for cobalt and nickel.

The Council took note of the report.

### **Consideration, with a View to Adoption, of the Draft Regulations on Exploitation**

The Council held informal discussions on the consolidated text containing the draft exploitation regulations over the course of eight days, concluding the first reading of the text, in conjunction with the provisions discussed during the first part of the 29th session.

Delegates held further discussions under the working groups. The working group on the financial terms of a contract held a thematic discussion on equalization measures on Monday, 15

July. The informal working group on institutional matters held a thematic discussion on effective control on Monday, 22 July. The informal working group on the protection and preservation of the marine environment met on Wednesday, 24 July, while a thematic discussion on UCH took place on Friday, 19 July.

**Open-ended Working Group on the Financial Terms of a Contract:** Robyn Frost (Australia) facilitated a thematic discussion on equalization measures, aiming to address cases where contractors pay different sponsor state's corporate income tax. Facilitator Frost outlined the relevant [briefing note](#) and drew attention to its [proposal submission](#) on behalf of the intersessional working group, including two options for an equalization measure.

Daniel Wilde, Commonwealth Secretariat, highlighted in his [presentation](#) that equalization measures aim to: disincentivize sponsoring state tax avoidance; ensure a level-playing field with land-based mining; increase ISA revenues from a mine; and create a level-playing field between contractors regardless of tax exemptions and subsidies. He described two proposed options, envisaging either a hybrid model or one based on the profit share. On the hybrid model, Wilde explained that contractors who receive tax exemptions or subsidies must pay an additional royalty of 8%, against which payments to the sponsoring state are creditable. In the alternate case, contractors pay a 25% profit share (on profits from all related entities from mining activities) to the ISA, from which royalty payments to the sponsoring state and all mining payments by related entities are credited.

In the ensuing discussion, delegates focused on: links with subsidies and relevant agreements under the World Trade Organization; how the equalization measures would work in practice for contractors without a sponsoring state or for state-owned companies; whether equalization measures apply to the Enterprise and, if not, how to best portray this in the exploitation regulations; and the need for transparency and simplicity.

Some delegates expressed preference for the profit share option, emphasizing that it is simpler and easier to implement. They cautioned that the hybrid option will require significant additional work. Others favored the hybrid option noting that it: captures revenue comprehensively; mitigates tax avoidance; is flexible and fair; and is aligned with extractive industry practices.

Facilitator Frost noted the lack of a clear preference between the two options and proposed to continue working intersessionally, focusing on the differences under both options for various kinds of contractors, providing examples, refining options, and clarifying terms, including subsidies.

**Informal Working Group on Institutional Matters:** This working group, co-facilitated by Georgina Guillén-Grillo (Costa Rica) and Salvador Vega (Chile), held a thematic discussion on effective control, which addresses the relationship between a sponsoring state and a non-state contractor. The Co-Facilitators emphasized that effective control is a pre-condition for awarding ISA contracts and a continuing requirement. They added that UNCLOS does not expressly define effective control. The Co-Facilitators reviewed relevant UNCLOS articles and the 2011 International Tribunal for the Law of the Sea (ITLOS) Advisory Opinion on the responsibilities and obligations of states sponsoring persons and entities with respect to activities in the Area.

They addressed the relationship between effective control and the "responsibility to ensure," noting they are related but different obligations. They noted the principles of effective control must

inform the basis of the relationship between the state and contractor throughout the contract. “Responsibility to ensure” is an ongoing duty that states must meet to exercise regulatory control over contractors. They added that effective control is important in the legal framework because national law and domestic administrative matters cannot be enforced if the contractor does not have a presence in the national jurisdiction.

The Co-Facilitators addressed ISA’s approach to effective control to date, noting the emerging trend is towards a test of effective control that emphasizes regulatory control over ownership and investment criteria.

They further discussed regulatory control vis-à-vis economic control, reminding delegates of a study under the ISA legal liability working group, which noted that leaving the determination of what constitutes effective control to each individual sponsoring state could lead to legal variability, encourage “forum shopping,” and undermine the coherence of the international framework.

The Co-Facilitators further highlighted the risk of sponsoring states of convenience where enterprises based in developed states set up companies in developing countries in the hope of being subjected to less burdensome regulations and controls. They highlighted the issue of reserved areas, which are envisaged to promote the participation of developing countries in activities in the Area and prevent the monopolization of deep-sea activities.

They invited delegates to discuss:

- whether the current interpretation of effective control is fit for the exploitation phase;
- how to avoid monopolization; and
- how to ensure reserved areas benefit developing country members.

In the ensuing discussion, many delegates expressed that effective control needs to be clearly defined and that elements of any draft regulations pertaining to it should incorporate relevant UNCLOS articles. They debated the extent to which contractors, sponsoring states, and parent companies should be held liable for any environmental impacts, whether “effects” should be added, and how liability would be enforced through applicable domestic laws.

Some members supported maintaining a regulatory effective control approach, which would give continuity to the exploration phase practices. In contrast, others called for a stricter approach for the exploitation phase based on an economic effective control approach.

A few delegations cautioned against a regulatory approach that enables ghost companies and sponsoring states of convenience. A delegate stressed that commercial exploitation requires more complex effective control measures. Another noted regulatory control as the only way to allow developing countries to participate in exploitation contracts.

A member cautioned that shifting to an economic effective control approach might undermine existing arrangements and the effective participation of developing countries in activities in the Area, calling for maintaining the current interpretation of effective control under a regulatory rather than economic approach. Another suggested the development of guidelines outlining effective control requirements. A regional group expressed flexibility in regard to either approach.

Several delegations welcomed the non-paper submitted by the Netherlands on parent company liability, noting it provides the basis for a hybrid model on effective control. They further welcomed the

non-paper by Nauru on state sponsorship of activities in the Area, highlighting the distinct but interrelated nature of these topics.

Most delegates agreed that avoiding monopolization is important. A member suggested promoting competence, limiting an entity’s number of licenses, and providing technical and economic incentives as options to avoid it. Some delegates stressed the importance of supporting the full and effective participation of developing countries in activities in the Area and that adopted measures should not hinder them.

A few members expressed doubts on whether a reserved area would ensure benefits for developing countries. A delegation noted the reserved areas are to be used by developing countries and not to be monopolized, stressing that this would need a detailed ownership registration.

A participant noted that, unlike contractors, the Enterprise is an autonomous entity as per UNCLOS Article 170, and noted that exploitation by the Enterprise would only be possible through a joint venture with a contractor and that such an arrangement would be subject to scrutiny by the ISA.

Observers noted three crucial issues on effective control: liability, enforcement, and the integrity of the ISA. They pointed to the “weak and ineffective” regulatory control framework in UNCLOS, pointing to examples where effective control does not align with the sponsoring states pursuing exploitation activities. They focused on the importance of holding contractors and parent companies liable, as well as the necessity for members to uphold their own applicable laws. They queried how enforcement will take place for contractors outside of a sponsoring state’s jurisdiction.

**Informal Working Group on the Protection and Preservation of the Marine Environment:** Facilitator Raijeli Taga (Fiji) opened the working group session, noting the group will focus on environmental impact assessments (EIA) and environmental impact statements (EIS) as well as environmental monitoring and management. She invited delegates to address the restructuring of the EIA and EIS provisions based on a joint proposal by the UK and the Netherlands.

The Netherlands presented the joint proposal, focusing on restructuring the EIA and EIS provisions and placing them into appropriate locations across the regulations, annexes, standards, and guidelines to increase their usability. She highlighted: the use of the placement hierarchy criteria to decide on the appropriate location; the transfer of streamlined text to Annex IV (EIS); and the further work required to move more detailed content to the relevant standards and guidelines.

She stressed that Annex IV includes a list of requirements to include in an EIS, noting the template would be better placed in a standard or guideline to allow for its update in light of new information and best practices. She underscored two relevant questions: whether the Council considers that Annex IV should be reworded to be a list of active requirements; and whether the template should be recommendatory or prescriptive.

Delegates thanked the proponents for the proposal. A group of members reaffirmed their commitment to a fit-for-purpose regulatory framework based on the best available scientific information and, where available, traditional knowledge of Indigenous Peoples and local communities that ensures the effective protection of the marine environment in line with the precautionary principle and approach.

Many delegates emphasized the need for further work to move the details to applicable standards and guidelines. Some suggested

this could be done when the Council discusses standards and guidelines, while one delegate said that transferring text to standards and guidelines “is not a copy-paste exercise,” preferring the LTC take up this task.

Some members supported rewording Annex IV as a list of requirements. Others noted that the EIS template should be in the form of a standard or guideline to facilitate future amendments. A delegate supported including any EIS template in a guideline rather than a standard, cautioning against a rigid or restrictive approach. Others stressed their understanding that provisions on EIAs and environmental monitoring will be binding and suggested using standards rather than guidelines.

A member proposed retaining the list of the template’s sections in Annex IV and moving the template’s content to a standard. Another emphasized that key elements should be retained in the regulations or annexes for the future development of standards.

A delegate, underscoring the opportunity to improve the uniformity and binding nature of the EIA process in comparison to the exploration regulations, drew attention to cumulative impacts. A member expressed concerns about potential transboundary harm related to mining activities. Another suggested assessing the required resources and timeframe for the development of standards and guidelines.

Observers underscored that a binding and consistent approach to assessing environmental impacts is crucial to enabling a better comparison of baseline data, noting it is of paramount importance for monitoring purposes. They noted that it is inappropriate to suggest the use of Indigenous knowledge throughout the regulations and standards for the impact assessment process without explicitly requiring consultations with Indigenous Peoples. They emphasized that traditional knowledge should be used only with the free, prior, and informed consent of the owners of that knowledge.

Observers suggested that the Council have an overarching discussion regarding the development of all standards and guidelines. They further emphasized that, as currently drafted, the regulation may create confusion, stressing that there are two separate consultation duties: one for the contractor and one for the ISA.

They stressed that public notification and consultation should be inclusive, transparent, targeted, proactive, and timely. They also highlighted that stakeholders should be able to present independent scientific information in open sessions.

On the **EIA process** (regulation 46), several delegations stressed that the process contained in the regulation is broader than specific environmental impacts, noting that economic, social, and cultural factors are also involved. Some delegates suggested changing the name of the regulation to match its substantive content. Most supported that EIAs should address the potential impacts and effects of the proposed activities.

Delegates debated the scoping report and purpose of EIAs in relation to an application for a plan of work and to what extent an EIA should identify, predict, and evaluate environmental impacts, effects, and risks. Many highlighted the need for sufficient scientific baseline data to support EIAs so that the ISA can assess and evaluate plans of work rigorously.

A couple of delegations emphasized the need to take into account the traditional knowledge of Indigenous Peoples. A couple of delegations welcomed retaining reference to UCH and noted the importance of integrating UCH throughout the regulations.

Some delegates questioned the need for independent experts when conducting EIAs, with others expressing flexibility, noting that qualifications and relevant experience evaluating environmental impacts are crucial. Delegates agreed that EIAs should be subject to independent scientific assessment prior to submission to the ISA.

In the afternoon, Facilitator Taga invited delegates to focus on environmental monitoring and management.

Norway presented a restructuring proposal of the relevant draft regulations, noting the purpose is to place them in a logical structure and eliminate overlaps and inconsistencies rather than modifying substance.

Many delegates supported the restructuring, expressing appreciation for the intersessional work and readiness to participate in it. They suggested further potential streamlining and changes to the regulations’ sequence, including placing the regulation on the environmental management system (regulation 50 bis) directly after regulation 49 on environmental monitoring.

A delegate noted that regulations on pollution control and mining discharges include management and monitoring actions, suggesting incorporating all such actions in Section 3 of the consolidated text.

Some members urged reintroducing a provision for an independent monitoring programme for the first seven years of mining operations, stressing that contractors’ self-monitoring is not in line with good governance.

An observer emphasized the need: for a verification programme conducted by independent experts to run in parallel to contractors’ own monitoring; to address potential impacts on areas of particular environmental interest; and to ensure that monitoring against environmental thresholds aims to prevent serious harm before it happens, cautioning adoption of a high-risk compliance regime where only serious harm necessitates action.

On **environmental monitoring** (regulation 49), delegates emphasized that further work is required, suggesting streamlining and clarifying certain provisions. They noted, among other things, that environmental effects must be measured and evaluated against an environmental threshold.

A regional group suggested moving a reference to the environmental management and monitoring plan (EMMP) to regulation 50 on EMMP. A delegate noted that monitoring compliance and conducting performance assessments of EMMPs are linked, suggesting streamlining the relevant provisions.

Some delegates urged reintroducing a proposal for an independent monitoring programme for the first seven years of mining operations, stressing that contractors’ self-monitoring is not in line with good governance. Another noted that an applicant must create an EMMP covering the entire lifecycle of activities but include much more detail for the first five-to-seven years.

On references to coastal and other potentially affected states, some delegates suggested cross-referencing regulations 93 bis (stakeholder consultation) and 93 ter (consultation with coastal states). A delegate suggested deleting the relevant provisions, noting that coastal states should participate as regular stakeholders.

A delegate highlighted that preparing an EMMP at the time of an application for a plan of work and the need to implement and maintain the EMMP throughout the contract’s duration are separate obligations. A member underscored the need to report annually on compliance with the EMMP and, regularly submit monitoring data in a standardized format and make them publicly available.

On a provision noting the measure, evaluation, and analysis of environmental thresholds and risks to environmental effects on the marine environment, a participant queried which parameters are to be measured.

An observer reiterated the need to add a reference to “sufficient information,” noting such a requirement refers to the level of knowledge needed to make informed regulatory and management decisions and ensure adequate environmental protection.

On the **EMMP** (regulation 50), a delegate queried whether applicants should have to submit the EMMP prior to or after a contract is awarded. In the same vein, another asked how the contractor is expected to incorporate any LTC recommendations approved by the Council in its consideration of the EIS if applicants submit the EMMP and the EIS at the same time as part of the plan of work.

Several delegations called for a simpler, streamlined regulation. A delegate suggested adding a reference to REMPs for the development of EMMPs. A few members queried whether the list of measures and procedures to be addressed by contractors should apply to all EMMPs rather than only when recommended by the LTC.

A few delegates supported the EMMP’s purpose of managing and confirming that observed environmental impacts and effects are consistent with the ones cited under the EIA. A member noted that long-term observation of parameters is also an EMMP purpose.

A member proposed that EMMPs must provide for “monitoring of environmental status in relation to the established baselines and for evaluating environmental effects against the ISA’s strategic environmental goals and objectives, all applicable standards and guidelines, any general policy of the ISA on the protection of the environment, the relevant REMP, thresholds set by the ISA, and the site-specific environmental objectives.”

A few delegates supported monitoring and evaluating the effectiveness of the measures. Several delegates opposed the requirement that contractors “endeavor to” engage in stakeholder consultation.

Observers highlighted that an EMMP could not be properly developed until there is enough scientific information, underscoring that studies have found it would take at least one to several decades to acquire the necessary information, including whether harm or damage to marine flora and fauna could be prevented.

They questioned whether EMMPs can monitor for the biological extinction of species if their existence is not even known, and their ecosystem functions and roles are not recognized or understood, and whether new environmental information or ongoing damage could result in a review of the contract.

On the **environment management system** (EMS) (regulation 50 bis), delegates requested clarity around how the EMS could be externally audited and the timeframe for audits to be carried out. A delegation encouraged additional intersessional work to discuss how EMS fits other environmental plans.

Delegates discussed the requirements for reporting modifications to the EMS. A delegation stressed that the draft regulation should consider “the continuous and systematic improvement” of a contractor’s EMS. Members also noted, however, that the duty to report on “each and every modification” would result in “numerous and continuous notifications to the Secretary-General,” which could delay updates to the EMS, add to the ISA’s workload, and discourage continual improvement.

Deliberations on **compliance with the EMMP** (regulation 51) focused on the need to clarify what the ISA will do with EMMP data and the frequency of reporting. Some delegates stressed that reporting requirements need to be prescribed in a standard, with some supporting real time reporting and others advocating for monthly or annual reporting.

Delegates underscored that monitoring data should be compared to environmental threshold values to reflect changes in environmental conditions. A delegation urged for additional language that would reflect how mitigation and environmental management measures identified in the EMMP can support responses to environmental impacts and effects from unforeseen circumstances.

**Performance assessments of EMMPs** (regulation 52) incited a debate on whether such assessments would take place internally or independently, the need for stakeholder consultation, and whether the LTC or the compliance committee would be tasked with reviewing performance assessment reports. Some delegates stressed that the mandatory legal nature of performance assessments conforming with REMPs needs to be emphasized. Many delegates agreed that additional clarity and streamlining are necessary throughout this regulation.

Observers encouraged collaborative efforts between Member States and relevant stakeholders for monitoring and urged the collective sharing of data to support the development of a long-term picture of the deep-sea environment and the cumulative impacts of deep-sea activities.

**Thematic Discussion on Underwater Cultural Heritage:** On Friday, 19 July, Facilitator Clement Yow Mulalap (Federated States of Micronesia) introduced the thematic discussion on UCH, which revolved around two guiding questions pertaining to draft regulation 35 (human remains and objects and sites of an archaeological or historical nature) and how intangible UCH should be addressed throughout the exploitation regulations.

Some delegates voiced their agreement with the general approach provided by Spain in their [non-paper](#) on UCH submitted in July 2024. Delegates discussed the importance of intangible UCH, with some pointing to its inextricable links to tangible UCH, while others said that the draft regulation should focus solely on tangible objects to avoid ambiguity.

Some members questioned the termination of activities upon the discovery of human remains or objects, stating that the regulation needs to be broadened to provide a contractor subject to such ban with a replacement area or compensation.

Some delegates said that the protection of “pure” intangible cultural heritage (defined as intangible underwater cultural heritage not directly tied to any tangible underwater cultural heritage) needs to take place during consultations on EIAs. Delegates noted, however, the need to develop “practical and concrete” ways to safeguard such “pure” heritage.

Many delegates highlighted the importance of the free, prior, and informed consent of Indigenous Peoples under Article 19 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and local communities before an application for an exploitation plan of work is submitted. Members expressed different views concerning the establishment of a committee dedicated to UCH, with some in favor and others concerned about overlap and duplication with other committees.

On the issue of intangible UCH, a delegate reiterated that the entire deep sea cannot be seen as a culturally significant place, noting this is incompatible with the logic of special cultural places having unique characteristics. Delegates expressed their commitment to continuing intersessional work to address the cross-cutting issue of UCH.

Observers expressed concern about the impacts of deep-sea mining on Indigenous ways of life and cultural heritage. They noted that the Area has been defined as a place of the commons without input from Indigenous Peoples. They stressed that the ISA needs to align itself with other international organizations to support the participation of Indigenous Peoples in all cross-cutting issues and the inclusion of Indigenous knowledge.

Observers further suggested that the regulation should include language taken from the UN Educational, Scientific and Cultural Organization's (UNESCO) 2003 definition on UCH, as well as intangible UCH, and that the consultation processes should mirror text from the Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement).

On the proposed establishment of protected buffer zones, a member noted that a reasonable radius would depend on the particular circumstances of the area, stating that the details and procedure should be set on standards and guidelines.

Observers emphasized that intangible heritage is at the heart of all tangible products created from the ocean and supported the request for an intangible UCH committee. Highlighting that UNESCO 2021 Convention definitions of UCH include "objects of prehistoric character," they reinforced that paleontological finds should be included.

**Informal Discussions on the Consolidated Text:** The Council held informal discussions over the course of eight days, concluding the first reading of the consolidated text.

On Monday, 15 July, President Myklebust introduced the consolidated text, reminding delegates of progress during the first part of the 29th session and inviting them to continue work on **human remains and objects and sites of an archaeological or historical nature** (regulation 35).

The FSM drew attention to: a non-paper considering the rights of Indigenous Peoples, a definition for intangible UCH, and the establishment of a committee on intangible cultural heritage; and a non-paper, prepared by Spain, on the tangible elements of UCH, including relevant definitions and processes for contractors, mitigation and preservation procedures, and the roles and responsibilities of the ISA and relevant stakeholders.

Delegates discussed:

- the deadline for relevant notification by contractors;
- compensation to contractors for delays associated with the discovery of remains, objects, or sites;
- the establishment and adoption of standards;
- language around intangible cultural heritage;
- the inclusion of the UNESCO definition of underwater cultural heritage, expressing divergent views;
- better aligning the regulation with UNCLOS Article 149 (archaeological and historical objects);
- setting minimum protection measures until a decision on remains, objects, or sites is made and a timeframe for the decision-making process; and

- the importance of consultation with all relevant states upon the discovery of remains, sites, or objects.

Some observers requested that paleontological remains be maintained in the provision, noting they are not necessarily of an archaeological or historical nature and offer crucial insights into humanity's evolutionary history, migration patterns, and the broader context of life on Earth.

On **insurance** (regulation 36), delegates raised a number of concerns, such as the need to obtain applicable, and potentially multiple, comprehensive insurance policies to cover all aspects of deep-sea mining. They also discussed processes, procedures, and timelines for reporting the modification or termination of insurance policies, the duty to report insurance claims, and the need to streamline the notification process of the appropriate body within the ISA. Delegates also raised the issue of liability and possible sanctions for contractors, dependent on their notification obligation and the magnitude of damage. A group of delegates proposed additional paragraphs that outline minimum coverage requirements and the need for a regular review process of insurance requirements to align with current industry standards.

On the **training plan** (regulation 37), a regional group highlighted training as a key non-monetary benefit, underscoring the special needs of developing states, in particular geographically disadvantaged and landlocked ones, including regarding technology transfer. The group called for including measures to ensure the protection of trainees as well as gender equality, inclusivity, non-discrimination, and diversity regarding training opportunities. Some delegates proposed amending the regulation's title to "training obligations" and called for adopting standards for minimum requirements for the training plans.

Discussions also focused on draft exploitation regulations on the rights and obligations of contractors and the protection and preservation of the marine environment,

Delegates were united in acknowledging the importance of the **prevention of corruption** (regulation 40). They discussed:

- expanding the regulation to encompass acts of bribery or corruption, threats, and blackmail;
- explicitly outlining consequences of failure to comply;
- subjecting third-party subcontractors to the regulation;
- detailing the legal role of the compliance committee in enforcing the regulation;
- the process for notifying the ISA for perceived, attempted, or known attempts of bribery or corruption and the role of the Secretary-General to notify Member States;
- whether to include references to the Organisation for Economic Co-operation and Development (OECD), with some noting that not all ISA members are OECD members; and
- whether contractors and relevant parties shall adhere to regional, national, and international laws related to anti-corruption and anti-bribery.

Regarding finding **another resource category** (regulation 41) in a contract area that is not included in the resource category to which the exploitation contract relates, a regional group suggested that the relevant notification must include a detailed report of the discovered resources, including their estimated quantity, quality, and potential economic value. The group further proposed that in cases of new categories of resources, the contractor shall make a separate application to cover them, including a detailed exploration and exploitation plan, environmental impact assessment, compliance

with all relevant regulations and standards, and a timetable for the proposed activities, avoiding any new exploitation until the separate application is approved.

Discussions further focused on: whether to list the three types of mineral resources addressed, namely polymetallic nodules, polymetallic sulphides, and cobalt-rich ferromanganese crusts, to distinguish “other resources”; the content and timeframe of relevant notifications by contractors, with some suggesting that requirements should not be burdensome; and repercussions in the event a contractor fails to disclose the relevant information.

The draft regulation on **restrictions on advertisements, prospectuses, and other notices** (regulation 42), aims to ensure that all public communications are factual, transparent, and do not mislead stakeholders or the public regarding ISA’s position. A regional group added that any reference to the ISA in public communications must be accurate and should not in any way imply endorsement or opinion on the commercial viability of the project.

Delegates emphasized the need to ensure non-interference in decision making and addressed potential statements from third parties on behalf of contractors. Some suggested specifying the consequences in cases where the provision is contravened.

Some delegates queried whether the draft exploitation regulations apply to all three types of mineral resources or just to nodules. President Myklebust clarified that while the discussions on the financial terms of a contract prioritized nodules, the consolidated text does not differentiate between the various types of mineral resources.

On **compliance with other laws and regulations** (regulation 43), many delegates suggested reinstating a provision noting that contractors shall comply with all laws and regulations, whether domestic, international, or other, that apply to its conduct of activities in the Area. Some noted that “other laws and regulations” require clarification.

A regional group proposed that contractors conduct regular reviews to ensure that all necessary documents are up to date, valid, and provide detailed information regarding the reasons for and implications of any changes in permits, licenses, approvals, or certificates. Council members further discussed: whether to include references to insurance policies and laws and regulations related to environmental protection, labor practices, and health and safety standards; and the consequences in cases of non-compliance with the notification requirements.

Delegates engaged in a lengthy discussion of the **general obligations** (regulation 44) regarding the protection and preservation of the marine environment. Several members stressed the need to streamline this regulation and harmonize it with the principles, approaches, and policies (regulation 2).

Discussions focused on:

- who should take the necessary measures to protect and preserve the marine environment;
- the inclusion of a reference to direct and indirect harmful effects;
- whether to refer to the precautionary approach or principle, as well as to the polluter pays approach or principle;
- the inclusion of a reference to traditional knowledge of Indigenous Peoples and local communities; and
- the applicability of the mitigation hierarchy.

Many members questioned the inclusion of “flag state, port state, and the states of registry of or having authority over installations, structures, robots, and other devices” among those who should

take the necessary measures to ensure the protection of the marine environment. A few supported the reference to port states.

A regional group and a few members noted that “best environmental practices” encompass “best available techniques,” suggesting deletion. Some members preferred maintaining both concepts, noting they are interlinked and complementary. A couple of delegations proposed adding a reference to the principle of the common heritage of humankind.

Many members stressed the relevance of applying the mitigation hierarchy. Some suggested replacing “avoid” with “prevent,” following UNCLOS Article 145 (protection of the marine environment). A member, supported by others, proposed wording to include compensation measures, which would need to be tested and proved effective as a key point to the approval of a plan of work.

Several members queried the term “climate sink,” suggesting alternatives like “climate mitigation,” “carbon sink,” or “carbon cycle sequestration.” A few delegates noted that the LTC can make recommendations to entities other than the Council, while others preferred to aim the provision to the Council.

Some delegations supported language noting that more stringent measures can be applied. They requested that the reference to sponsoring states be deleted, noting this provision applies to all states. A member suggested an additional provision related to avoiding undermining other relevant fishing and conservation legal regimes, instruments, and frameworks.

Observers pointed out that the draft regulation neither refers to ensuring the protection of biodiversity nor the ecological balance of the marine environment. They highlighted that the mitigation hierarchy is not currently applicable to deep-sea mining activities, underscoring that ecological functions and services provided by the deep sea are distinct and not replicable elsewhere.

On **REMPs** (regulation 44 bis), many delegates emphasized that the LTC shall only consider an application for a plan of work for exploitation if a REMP has been adopted for the particular area and type of resource concerned. They further suggested deleting language noting that when a REMP does not exist, it should be “adopted without any undue delay,” stressing that the process should be done diligently without prioritizing speed over quality.

Others underscored that not all areas have approved REMP, stressing that all contractors should be on an equal footing according to the equality and non-discrimination requirements set out in UNCLOS and the 1994 Agreement. A delegate suggested that in cases where an area has no REMP, its finalization and adoption should be prioritized. Many pointed to the draft standardized procedure for REMP, developed by the LTC.

A regional group stressed that, without REMP, many critical obligations in the draft regulations that cross-reference the relevant REMP would be obsolete and lead to an unfair playing field for contractors. The group further suggested specifying a timeframe for REMP adoption, strengthening relevant compliance mechanisms, and ensuring stakeholder engagement in the development and adoption of REMP, including local communities, Indigenous Peoples, and environmental NGOs.

Observers emphasized the importance of REMP to protect the marine environment and assess the impacts of mining activities, adding that REMP should be in line with the procedures and template approved by the Council.

President Myklebust noted the provision on **environmental goals and objectives** (regulation 44 ter) is a new proposal, noting

the need for consistency with other parts of the draft regulations. Many delegates welcomed the new proposal. The discussion focused on whether such overarching goals should be included in the draft exploitation regulations or addressed in a general policy document.

Some members supported setting out such objectives in a separate document, noting they would also be valid for exploration activities, and it would be easier to conduct periodic reviewing and updating. Many suggested revisiting the draft regulation following the discussion on a general environmental policy for the ISA to be held in the ISA Assembly following the conclusion of this Council session.

A regional group and other members expressed strong support for the new proposal, stressing it addresses the concern over the lack of strategic environmental goals and objectives set by the ISA and is necessary to operationalize obligations under UNCLOS Article 145. The group suggested: integrating the environmental goals and objectives with existing environmental policies and frameworks to create a cohesive regulatory environment; periodically reviewing and updating the goals and objectives to reflect the latest scientific and technological advancements; including reporting requirements; and addressing issues of accountability and transparency.

Some delegates stated the need to define environmental goals and objectives in the glossary and highlighted that such provisions are necessary for REMP development and to provide consistency and predictability for all members and stakeholders.

On the development of **environmental standards and guidelines** (regulation 45), delegates discussed the need to:

- include reference to chemicals, waste, and discharge from production;
- establish thresholds for toxicity levels in sediment plumes;
- include relevant chemical characteristics, the temperature of seawater, and related elements;
- more closely differentiate between the sedimentation and resedimentation rates of disturbed particulates;
- include greenhouse gas emissions in the development of environmental standards;
- consider the impacts of vibrations, noise, and light pollution; and
- periodically review the approved standards and guidelines.

Delegates also supported provisions for public stakeholder input on the development of standards and guidelines, in addition to the need for an independent scientific review of the standards and guidelines once developed. Members debated the inclusion of text that overlaps with draft regulation 94 (adoption of standards) and whether to include a cross reference.

Some delegates recalled a paper submitted by the Netherlands in 2017, as well as two related textual proposals on the development of assessment methodology for developing sustainable mining technologies. Delegates requested the continued consideration of this paper based on the ongoing drafting of the regulation on environmental standards and guidelines.

On **test mining** (regulation 48 ter), Germany provided a report on relevant interessional work. He highlighted two main questions about how test mining should be designed to achieve its purpose and how it would fit into the UNCLOS regulatory scheme for activities in the Area. He stressed that five core aspects require further consideration:

- the purpose of test mining including its objectives and scope;
- the stage of the process where test mining is required to be carried out;

- the costs of test mining projects as one of the factors for deciding on its mandatory nature;
- the interface of test mining with other regulatory mechanisms and relevant ISA responsibilities; and
- the establishment of a technical subgroup consisting of scientists, regulators, and contractors.

Many delegates supported conducting test mining before any application for a plan of work for exploitation rather than before starting any commercial mining under an exploitation contract. They stressed that test mining data and results can be incorporated in the EIA and used in the review of the application by the LTC and the Council's decision-making process. A delegate said test mining should be done at least 24 months before an exploitation plan of work is presented.

Some delegates supported test mining of a certain scale prior to an application for a plan of work for exploitation and a more robust test mining after the application is approved and before commercial mining commences. One member emphasized that large-scale test mining prior to submitting an application for a plan of work is unrealistic due to high costs. Another underscored that test mining should be possible after an exploitation contract is awarded to allow for the testing of new technological solutions.

Others noted that test mining should be a precondition for commercial development rather than for an application for an exploitation plan of work. Some delegates added that conducting test mining at the exploration stage would make sense but cautioned not all exploration contracts currently in place have an obligation to perform test mining or follow the rigorous standards under this regulation.

A delegate suggested filling the gap by allowing, in exceptional cases, test mining in the framework of an exploitation contract before transitioning to commercial production on condition that the contractor is able to prepare an EIS in the absence of test mining. Others proposed updating the exploration regulations for consistency. A delegate stressed if test mining at the exploration stage is to be applicable to the EIA and EIS and be part of the plan of work, it must fulfill the exploitation requirements.

Many supported defining test mining in the glossary and referring to "harmful effects" rather than to "serious harm" to the marine environment, in accordance with UNCLOS. Some highlighted the role of the Council in decision making, in addition to the LTC's role.

Discussions further focused on:

- cases where test mining is not required;
- consistency in terminology, including around "commercial production";
- whether to include reference to cumulative effects;
- how relevant test mining information will be circulated;
- strengthening environmental monitoring, including through independent monitoring during test mining;
- avoiding duplication of work by sharing the results of test mining of previous, similar projects;
- ensuring transparency and public engagement by making the test mining reports publicly available, excluding commercially sensitive information;
- potential gains from mineral resources collected during test mining;
- the need for a contract that will provide the entity conducting the test mining the legal foundation to acquire insurance, capital investments, and develop technological solutions;

- implications and regulatory actions if test mining conducted prior to an application for a plan of work for exploitation demonstrates that exploitation cannot take place without harm to the marine environment; and
- including health and safety aspects in the test mining regime.

A couple of delegates suggested that the LTC consider test mining reports upon request by an applicant, allowing for early engagement to ensure that the applicant undertakes all the necessary work to support an application, including all relevant information.

Some delegates emphasized that test mining is part of a substantive determination of harm to the marine environment, informing relevant decision-making, cautioning a “tick-box exercise,” and further underscored that test mining itself carries a risk of harm to the marine environment and should also be subject to an EIA. Others stressed that subcontractors and third parties should conform with the same standards for test mining.

Observers asserted that test mining should not take place until assessments can ensure that no harm will be caused to the marine environment or affect biodiversity. They noted that assessments carried out to date are “rudimentary at best,” speaking to the need for a pause in activities to allow for more rigorous scientific studies to be undertaken.

They also noted that, if test mining takes place during exploration, the results should be communicated in contractor applications for a plan of work and be included alongside their EIS. Observers overall stressed that test mining can only be effective with a programme of work in place to understand and monitor its impacts.

Many delegates stated that **emergency response and contingency plans** (regulation 53) need to be submitted as part of an application for a plan of work. They discussed the regulation’s placement and the need to ensure alignment with other regulations and avoid duplication.

Many agreed that responses and plans developed by contractors or applicants should consider the results of EIA reports. Delegates requested including a timeline for submitting incident reports, detailing the process for submission, and how incident reports may modify plans of work. Delegates spoke of the need for regular testing of emergency response and contingency plans to ensure adequate preparedness in the event of an emergency, noting that testing should be “practical” to ensure trustworthy results.

On **pollution control** (regulation 53 bis), discussions focused on: the inclusion of references “harmful effects, in accordance with UNCLOS Article 145,” other hazards, marine litter, underwater noise, and the coastline; and whether to refer to harmful effects “directly resulting” from activities in the Area, or developing a broader provision that would also make contractors responsible for indirect and cumulative impacts and effects.

Some members supported moving this regulation to the section on environmental monitoring. Some requested adding “all the” necessary measures to protect and preserve the marine environment, noting that it would strengthen the regulation. A member noted that the addition was unnecessary. A delegate suggested including a provision to coordinate pollution-related regulations of the exploitation regulations with other international regimes, agreements, and regulations that address pollution.

On the **restriction of mining discharges** (regulation 53 ter), delegates discussed the regulation’s placement, with some

supporting placing it in the section dealing with management and monitoring. Discussions focused on:

- references to rules of the International Maritime Organization (IMO) as a basis for exceptions, permitting disposal, dumping, or discharge into the marine environment, with some suggesting reference to regional seas conventions and others cautioning that IMO regulates discharges from ships and is not applicable;
- cases where discharges are necessary for the safety of the vessel or human life, with some delegates emphasizing that such cases should be dealt with under the draft regulations as an “incident” rather than as a “notifiable event.” A delegate suggested defining the minimum risk of harm that may be accepted and a timeframe for monitoring, mitigating, and managing such harm. A regional group suggested that contractors must document the specific circumstances necessitating such actions and provide a detailed report to the ISA within 24 hours, including measures taken to mitigate any harm; and
- a requirement for contractors to maintain a register of discharges and report to the ISA, including the frequency of such reporting. A regional group proposed that this register must include detailed information on the nature and volume of discharges, the methods of disposal, and any observed environmental impacts, noting it should be accessible to regulatory bodies and stakeholders to ensure transparency and accountability. A delegate suggested that the register should be updated immediately after a discharge event, while the frequency of reporting would depend on whether a discharge constituting a “notifiable event” takes place. Others supported continuous monitoring and weekly reporting.

Regarding funding of the **environmental compensation fund** (regulation 56), a couple of delegations supported using in all regulations dealing with this fund “activities conducted under an exploitation contract,” which encompasses exploration, exploitation, commercial production, and closure activities.

A member proposed including in the non-exhaustive list of sources for the fund “donations or grants from international organizations, non-governmental organizations, or other entities committed to environmental protection and sustainability,” as well as provisions on transparency, accountability, and support for proactive environmental initiatives.

An observer suggested modeling the future functioning of the fund and stressed that liability should be examined holistically, noting that if loopholes remain, the legal framework would contain gaps that are likely to lead to conflict and litigation.

On the **modification of a plan of work by a contractor** (regulation 57), many delegations requested the reintroduction of text, noting that the LTC shall consider whether a proposed modification to the plan of work constitutes a material change. Some members noted that cases of substantial change can be addressed by the LTC and non-substantial changes by the Secretary-General.

For cases when a material change is identified, many members expressed preference for the alternative text, noting that the Council, based on the LTC’s recommendations, shall determine whether a contractor is required to undertake an EIA and prepare an EIS on the proposed modification. Some delegates noted that, in some cases, an updated EIA would suffice.

A few delegates suggested that the LTC, the Secretary-General, or the contractors can present changes to a plan of work. Other members noted that the Secretary-General should only have administrative functions and should not propose changes or evaluate



them. Several supported having a clear procedure for dealing with material changes when presented by the contractor and by the LTC.

Many delegations supported adding a provision for all modifications to a plan of work to be recorded in the seabed mining register. A delegation noted the need to define “material change.”

An observer drew attention to cases when a contractor proposes a modification to the plan of work aimed at improving performance, stressing they should not be disincentivized by onerous application procedures.

On the **review of a plan of work** (regulation 58), delegates supported providing clearer guidelines on the submission of the plan of work to the ISA and discussed whether it is necessary to involve independent experts in reviewing the plan of work to be undertaken by the contractor, in accordance with applicable regulations, standards, and guidelines. Some suggested reinstating references to detailed information that contractors would be expected to provide to independent experts carrying out the review and analysis of the plan of work.

Delegates supported additional text that details the responsibility of contractors to compile and submit the plan of work to the Secretary-General to guarantee accountability in the reporting process. Delegates also discussed whether plans of work should be confidential or publicly available, as well as definitional clarification around the necessary threshold of significant material and managerial changes to the plan of work that would require notifying the ISA and sponsoring states. Many delegates noted the need to streamline the regulation and avoid duplication.

On the **closure plan** (regulation 59), delegates discussed the regulation’s placement, as well as technical details, such as temporary suspensions vis-à-vis closure and potential overlap between the closure plan and the environmental management and monitoring plan.

A delegate suggested referring to “exploitation activities” rather than “mining activities,” and, opposed by others, to “remaining” rather than “residual” effects, further stressing that effects cannot be “remedied,” requesting further consideration. Other members stressed that restoration should not occur only if it is economically feasible and that language around mitigation and the mitigation hierarchy needs to be consistent across the regulations.

They further discussed the need to clearly spell out the objectives of the closing plan, the responsibilities of contractors, and the need to include provisions on: extending the period for the closure plan if necessary; the date that the closure plan will come into force; and updating closure plan requirements.

Several members suggested deleting a provision stating that the marine environment has to be set at a “clear and healthy status” due to lack of clarity. Many also suggested deleting language on returning the mined site “to its natural state,” noting such a provision is unrealistic and impractical.

Several delegations requested deleting “where technically and economically feasible” regarding the return of the mining area to its initial condition, noting that such an obligation cannot be subject to economic feasibility. A few delegations requested clarifying that the contractor, in consultation with the LTC, shall decide whether an active restoration process is feasible.

A member suggested adding the possibility for progressive relinquishment or closure. She stated that contractors could gradually close appropriately defined areas that have been already mined, noting that there may be instances where some closure

activities might be able to start while commercial mining continues in other areas.

Observers reiterated that rehabilitation, remediation, or restoration are not currently possible for the deep sea. Thus, any assessment of a potential application for exploitation should consider the closure plan according to current possibilities. They further suggested restructuring the regulation to cover essential high-level obligations, setting the details in standards and guidelines, as appropriate.

On the **final closure plan: cessation of production** (regulation 60), delegates suggested streamlining the regulation and avoiding duplication. Some urged distinguishing cases of temporary suspension of operations and unexpected cessation from the final closure plan.

A delegate proposed clarifying whether the process for the consideration of the final closure plan is also applicable in the case of the temporary suspension of operations. Another noted that cases of temporary suspension are already covered under regulation 59. Some urged focusing the provision on the final closure plan. Others emphasized the need to define “temporary suspension.”

Many delegations supported a provision for consultation on the final closure plan with all Member States and stakeholders in accordance with the relevant regulation 93 bis (stakeholder consultation), with some noting that the issue should be discussed within the broader discussion on stakeholder consultation. Some stated that all documents need to be permanently available on the seabed mining register, with a delegate stressing that this needs to be a continuous requirement.

Some delegates suggested deleting the proposed deadline of 90 days to submit a revised final closure plan in cases where the original submission does not meet the requirements, noting it may be detrimental to the plan’s quality. Others urged defining future steps for cases where a final closure plan is not approved, noting that the contractor should have the opportunity to make changes and resubmit it, and if requirements are not satisfied, the case should follow the regulations on non-compliance.

On **post-closure monitoring** (regulation 61), many delegates suggested changing the title to “closure monitoring” or “monitoring pursuant to closure plans.” Many agreed on periodic reports by the contractors on the implementation of post-closure monitoring and discussed relevant timeframes for such reports. Some emphasized that it is difficult to determine the appropriate frequency at this stage due to a lack of relevant experience. A regional group suggested more frequent reporting in cases of significant adverse effects.

Delegates further suggested clarifying the relationship between post-closure monitoring and the environmental management plan. Some opposed a provision, noting that the purpose of post-closure monitoring is to “implement the restoration and rehabilitation (wherever possible) of the marine environment.”

Some suggested prioritizing the LTC recommendation over the auditors’ report in cases where contractors have failed to conclude the final closure plan satisfactorily.

Delegates further supported publicly releasing monitoring data in an accessible format, with some underscoring the need to also make the contractor’s report publicly available and provide an opportunity for public comments. A few emphasized the need for an additional provision authorizing the ISA to use the contractor’s performance guarantee to carry out closure activities when the objectives of the closure plan have not been achieved.

A regional group suggested that the contractor continue to monitor the marine environment for a period defined in the closure plan after the cessation of activities until the objectives of the closure activities have been achieved.

President Myklebust invited delegates to engage in the intersessional work, to be led by Fiji, on draft regulations 59-61.

Regarding recording in the **seabed mining register** (regulation 83), many delegates said that the details of all payments made by contractors and received by the ISA shall be recorded and made publicly available. A delegate noted the importance of aligning this regulation with regulation 40 (corruption prevention).

President Myklebust noted that the provision on the **beneficial ownership registry** (regulation 83 bis) was proposed by two delegates at the first part of the 29th session in March 2024 and was added to the consolidated draft text. Delegates noted that specific details like financial thresholds need to be discussed intersessionally prior to their inclusion in the draft regulations.

Some delegates suggested that submissions to the benefit ownership registry should be included during the application for a plan of work, with relevant updates provided in the contractors' annual reports. They stressed this would provide the relevant information for reviewing and approving plans of work and assessing whether a plan of work and contract will constitute a monopoly or conflict of interest. This, in turn, would allow the ISA and the public to clearly understand who the real beneficiaries are.

Delegates noted that this provision should align with draft regulation 38 (annual reports and record maintenance). An observer suggested the inclusion of a clear timeline for contractors to submit details to the beneficial ownership registry as to avoid companies applying for illicit purposes.

On the **annual reporting fee** (regulation 84), delegates debated whether the fee should be paid upon the submission of a plan of work or at the signing of an exploration contract. Delegates discussed the timeline of unpaid fees, with most agreeing that a delay in payment does not constitute a fundamental violation of the contract under regulation 103 (compliance notice, suspension, and termination of exploitation contract).

Similar discussions took place on the **annual fixed fee** (regulation 85). Delegates focused on the effective date when the annual fee would be paid and the consequences for missed payments. They agreed that missed payments would not violate the fundamental terms of the contract.

On the **application fee for approval of a plan of work** (regulation 86), a regional group cautioned against imposing unnecessary administrative costs and burdens. The group proposed setting a fixed deadline for determining and communicating the amount of the application fee and suggested an additional provision for periodic reviews of the fee structure and administrative cost.

A delegation proposed the LTC determine the amount of any differences between the paid fee and the ISA administrative cost of processing an application rather than the Secretary-General or the Finance Committee. Another opined that the Secretary-General should undertake this administrative task.

On **other applicable fees** (regulation 87), some delegations noted that the contractor should pay fees specified by the Council "based on the recommendations of the Finance Committee."

On **review and payment** (regulation 88), some members suggested including an option for the ISA and contractors to coordinate on using a different currency than US dollars.

Regarding **confidentiality of information** (regulation 89), several delegations stressed the relevance of transparency and the need to streamline the regulation. Some members emphasized that confidential information on an exploration contract has no reason to remain confidential during exploitation, calling for the deletion of the provision.

A delegation queried the nature and mandate of the data committee. Another queried the discretion given to contractors to decide whether information and data are confidential. A member supported having procedures to deal with potential disagreements regarding the confidentiality of any data or information.

One delegation proposed moving the definition of confidential information to the glossary, and a few others noted the need to streamline the regulation.

A few members stressed that environmental data should always be considered non-confidential, and, if not, the criteria must be clear and, in no case, determined by the Secretary-General or contractors. Several members noted environmental data should be accessible to the public and all stakeholders. A delegate emphasized it should be freely available.

Some delegates supported the establishment of a data committee, noting the need to develop its mandate and functions, while others opposed or queried its usefulness, noting the LTC could conduct the task. A few members stressed that the LTC should also determine if data that would pose a substantial risk of serious or unfair economic prejudice should be released. Some requested deleting a provision on the attorney-client privilege. A delegation supported a provision protecting the rights of intellectual property holders, while another noted it is incomplete and too broad.

Observers noted that disclosure is essential to transparency, calling for clear procedures to determine confidentiality and stressing that this should not be left to the Secretary-General's discretion.

Many delegates underscored the importance of **procedures to ensure confidentiality** (regulation 90). Discussions focused on exemptions for maintaining the confidentiality of information in cases of a relevant "legal direction," "lawful cause," or "good cause." A delegate noted the terms are ambiguous and suggested deletion.

Others preferred retaining them, proposing including the relevant definitions either in the glossary or in the regulations. A delegate noted that the terms would cover cases where a court order requires such disclosure, adding that, in such cases, the contractor's prior consent would not be required.

A delegate suggested that the Secretary-General shall be responsible for maintaining the confidentiality of all confidential information and shall not release such information to any person external to the ISA except when legally obliged to do so or with the prior written consent by the relevant contractor.

Many delegates emphasized that procedures governing the handling of confidential information should be established by the Council rather than the Secretary-General in consultation with relevant stakeholders. Some added that these procedures should be directed at members of the Secretariat and the LTC, but not to Council members, with some suggesting adding members of the compliance and finance committees.

A regional group suggested including robust security measures for handling confidential information and detailing the enforcement mechanism and penalties for breaches of confidentiality, with some

delegates pointing towards UNCLOS Article 168 (international character of the Secretariat).

The group further proposed including language on international best practices and standards on confidentiality, including the ISO/IEC 27000 series of standards for information security management systems of the International Organization for Standardization and the International Electrotechnical Commission.

A delegate stressed that the Assembly or the Council may direct the Secretary-General to disclose confidential information to them if conditions are met. Some underscored that subsidiary bodies, compliance committee members, and auditors may need access to such information.

Some delegates urged addressing breaches, with one suggesting that the compliance committee address these cases. A delegate drew attention to the ISA's data management strategy, noting that it should be presented for stakeholders' comments.

**On information to be submitted upon expiration (or termination) of an exploitation contract** (regulation 91), a regional group and some members noted that samples collected during the contract term will be part of the common heritage of humankind, requiring rules for recovery, storage, and disposal. A delegate noted storage of samples by contractors could be an option.

The group further suggested including geological data, EIAs, and records of any incidents or breaches. It further proposed the submission of a final report summarizing exploitation activities and any outstanding obligations, such as site rehabilitation or environmental restoration, including plans for fulfilling these obligations.

Delegates underscored the need for a clear data management framework, with some calling for the development of a list of information and data to be submitted. A few delegates opposed qualifying submissions "to the extent feasible," noting the contractor should be able to transmit the necessary information. Some noted that while modalities on consultation on the submission of data and information can be included, it should not be left to the Secretary-General to specify which data and information should be submitted.

A few members suggested cross-referencing regulation 18 ter (termination of an exploitation contract), and a couple proposed prescribing the consequences of failure to duly transfer the necessary data and information. Some delegates discussed the deadline for such submissions.

**On the seabed mining register** (regulation 92), a delegate emphasized that it emanated from a joint proposal aiming to ensure ease of access to all stakeholders to environmental documents and information regarding each exploitation contract.

A regional group noted that the register should be an accurate reflection of all documentation. A delegate suggested adding a list of the information to be included in the register, alongside "any other details as may be directed from organs of the ISA from time to time." Another emphasized the need to develop a comprehensive list of information to be included.

Many delegates supported the **publication of environmental data and information** (regulation 92 bis). The proponent stressed that it intends to ensure that all environmental data and information required by the regulations before, during, and after an application for a plan of work are publicly available and published in an accessible location. Some noted that all provisions related to environmental data should be linked to this regulation for a streamlined approach.

Delegates suggested: considering data and information obtained outside the contract area in connection with activities in it; consistency to references to the central data repository of the ISA; and defining "environmental data and information."

**On notice and general procedures** (regulation 93), a regional group noted the content of the regulation is administrative and contractual in nature and would better fit under the terms of a contract. A delegate suggested that the regulation should apply to all communications by and with the ISA, further proposing defining "communications" in the glossary. A delegate proposed noting that oral communication would be followed up by a written confirmation.

**On stakeholder consultation** (regulation 93 bis), delegates discussed the outcomes of the intersessional working group led by the UK. A number of delegates and observers pointed out that the regulation's current wording does not cover all consultations or stakeholders, mixes ISA, contractors, and state responsibilities, and does not ensure public participation.

Drawing attention to humankind's common heritage, an extensive interpretation of UNCLOS Article 142 (rights and legitimate interests of coastal states), the non-discriminatory principle contained in UNCLOS, and the links with the Aarhus and Escazú Conventions, many delegations stressed the consultations should be for all stakeholders and not only those "potentially directly affected." A few delegates suggested aligning the stakeholder consultation process with that of the BBNJ Agreement, also referring to the consultation mechanisms in the Nagoya Protocol on access and benefit-sharing and the Minamata Convention on Mercury.

Some delegations called for a 90-day consultation period for the scoping report as well as for all the other consultations. Others favored 60 days for the scoping report and 90 days for others. A member noted the scoping report is part of the EIS, thus not subject to a different consultation and asked for its deletion.

Delegates expressed diverging opinions on whether applicants or contractors shall respond to all comments or only to substantial ones. A delegate noted that only relevant comments should be responded to, noting that some comments might be substantive but not relevant.

A regional group proposed that contractors organize at least one public meeting to allow stakeholders to ask questions and directly express their concerns; and that the results of each consultation shall be summarized in a public report.

Portugal reported on the work of the intersessional group on **consultation with coastal states** (regulation 93 ter). She noted the group focused on guiding questions related to the legal basis for coastal state consultation, coastal state identification, the differences with other consultations, and the appropriate language for referring to coastal states.

She highlighted that most delegates considered that UNCLOS provides the legal basis for coastal state consultations and supported self-identification, which could be guided by criteria set in a standard. She noted delegates agreed that stakeholder consultation differs from coastal states' consultation and suggested a direct and active mechanism, with some pointing to the public notification and consultation process (Article 32) of the BBNJ Agreement. She invited Council members to continue working intersessionally.

Many delegates agreed this should be a standalone regulation despite the duty to consult in other regulations, in line with

UNCLOS Article 142 (rights and legitimate interests of coastal states). Others noted that the Article 142 only pertains to coastal states with mineral deposits within their territories and does not contain any provisions for the right for consultation with coastal states who may be affected by activity in areas beyond their jurisdiction. Most delegates called for harmonizing the relevant regulations and aligning them with UNCLOS and the BBNJ Agreement.

Delegates debated the process by which potentially affected coastal states would be identified, with many supporting the notion that states should be able to self-identify as potentially affected, rather than leaving that decision to the ISA.

On **adoption of standards** (regulation 94), delegates debated the need to clarify and consistently define what is meant by “independent experts” throughout the regulations and the need for a mechanism for their identification and selection. They also debated whether consultation with independent experts should be applicable in the adoption of standards, and whether standards should be required to be adopted and approved by the Council.

On the **issue of guidelines** (regulation 95), members discussed the issuance of technical and administrative guidelines, suggesting harmonization of language across the draft regulations. A delegate noted that only the LTC should develop guidelines. Others underscored the need to detail the consultation process with stakeholders.

Many delegates noted, notwithstanding the non-binding character of guidelines, provisions ensuring that contractors are apprised of the guidelines and take them into account must be retained. They further underscored the importance of deleted provisions, noting the observance of a guideline may serve as supporting evidence of compliance with the relevant rules and that the ISA may request contractors to identify and explain departures from guidelines. Some preferred deleting the provision, highlighting the recommendatory nature of guidelines.

Observers emphasized the importance of stakeholder consultations and stressed that guidelines provide a measure of comfort in implementation, despite being non-mandatory.

Delegates stressed that the **inspection, compliance and enforcement (ICE) mechanism** (Part XI), is one of the most important elements that will govern future exploitation activities, agreeing on the need for impartial and objective oversight of mining activities in the Area. They underscored the mechanism must follow UNCLOS rules, be non-duplicative of existing bodies, free of outside influence, and in place before mining starts, stressing that its building blocks require further clarity. Some delegates emphasized the need to settle broader questions around the design and the overall structure of the inspection mechanism prior to addressing and making progress on the detailed provisions.

On the **inspection mechanism** (regulation 96), delegates agreed on the need to establish a compliance committee, expressing diverging views on whether it should be an independent subsidiary body under the Council or established under the LTC.

A delegation supported that the compliance committee should be designated internally by the LTC and composed of LTC members, further adding that it should work exclusively on compliance issues under the current rules of procedure of the LTC. She further emphasized that the powers and responsibilities of the chief inspector need to be clearly defined.

Others called for an independent compliance committee as a subsidiary body of the Council with separate functions than other ISA organs.

A delegate expressed flexibility over the modalities for establishing the compliance committee, stressing the need to ensure independence and the necessary expertise. Some members underscored the importance of avoiding overlap and duplication of functions with other ISA organs.

Members noted that funding the inspection mechanism needs to be discussed, as well as the working modalities of inspectors. Some stressed that the chief inspector should be appointed by the Council rather than the Secretary-General.

Discussions on **access to inspections** (regulation 96 ter) focused on, among other things, the potential for inspections without prior notification. Some members supported that unannounced inspections should be incorporated in the draft regulations, while others questioned whether it would be possible to carry out inspections without prior notification.

Some suggested amending the title to “inspections” or “access for inspections.” A couple of delegates underscored that inspectors require more tools than the ones currently included in the draft, highlighting the need for regular reporting by the contractor to enable inspectors to ask targeted questions. A delegate emphasized that inspectors may cooperate with national authorities to inspect any activities under the jurisdiction of those state parties.

A regional group stressed that the inspection notice should include a detailed inspection plan to ensure transparency and preparedness. The group added that, in urgent cases, the contractor should be immediately informed of the inspection’s urgency and its scope to facilitate compliance and minimize disruption.

A delegate suggested that the inspector cooperate with the contractor to conduct the inspection and provide the relevant notice as soon as practically possible. Others underscored that the regulation should cover standard reasonable notice, urgent cases, and surprise inspections, with a member stressing that flag state jurisdiction should not be an insurmountable obstacle around unannounced inspections.

A member noted that sharing the inspector’s names may lead to corruption and queried whether the regulation intentionally does not differentiate between vessel and onshore inspections. Another highlighted the role of whistle-blowers. Many underscored the need for contractors to provide appropriate food and accommodation to inspectors.

A member noted that all communication to the contractor should follow a single channel, opining that the inspection notice should be sent by the Secretary-General. Another suggested redrafting the contractor’s obligation to provide access at all reasonable times to all relevant areas, items, and personnel engaged in exploitation activities in the Area, including ships and installations.

A delegate urged using technological tools, noting that inspectors should have the competence to conduct inspections by video conference and via the use of digital twins, which are virtual representations of an object or system designed to reflect a physical object accurately. A regional group noted that contractors should also establish and communicate internal procedures to ensure that all personnel are aware of and comply with inspection requirements. Some delegates emphasized that the draft regulation needs to be revisited once provisions on the inspectorate and the compliance committee are finalized.

On the **request for inspection in the event of harm to the marine environment** (regulation 96 quat), delegates raised several questions and concerns, including:

- whether such a request should be triggered by any harm, serious harm, or the risk of harm;
- whether the request can be made only by affected coastal states or also by any Member State or interested entity, including non-governmental organizations;
- the reference “to the livelihood of any coastal community,” as well as the reference to adjacent potentially affected coastal state or states, with a couple of delegations noting this wording depends on the outcomes of the coastal states working group;
- whether such an inspection should assess a broader range of issues than pollution;
- whether contractors should be notified along with the chief inspector; and
- cases when the chief inspector does not consider that the requested inspection is needed, with a delegation suggesting adding a provision to ask for a Council decision in such cases.

A regional group suggested language to detail the content of the relevant notification, including all relevant evidence and documentation supporting the grounds to believe that the harm is caused by activities in the Area. The group further suggested streamlining the process following notification of the chief inspector.

On **inspectors: appointment and supervision** (regulation 97), delegates debated the process for hiring inspectors either through an open recruitment or state-sponsored nomination process. One delegate noted that they “still have not heard a rationale for having state nominations” and that “any credible inspection regime must be rigorously independent.” However, some said that it is important to have nominations by state members in order to “avoid competition in the procedure and to ensure candidates’ appropriate qualifications.”

Many agreed that the selection of inspectors should avoid politicization and should be based on their specific qualifications rather than their nationality. Delegates also discussed the need to define a roster of inspectors, as well as whether the LTC or the compliance committee would play a role in developing the recommended qualifications of experience for inspectors. One delegate expressed the need for additional language to clarify what is needed for the ISA and sponsoring state to ensure inspections align with the enforcement of applicable domestic laws and policies.

Observers suggested that inspection programmes should function in accordance with a compliance strategy that the compliance committee would be tasked with drafting and maintaining in accordance with best practices, applicable standards, and guidelines. They noted a lack of clarity around the word “independent” and that this draft regulation should align with relevant UNCLOS articles pertinent to the role of inspectors and exploitation in the Area.

Deliberations on **inspectors’ functions and responsibilities** (regulation 97 bis) focused on the extent to which inspectors can interfere with the operations of contractors. A delegate expressed the need to clarify that inspectors, while able to undertake their work in full, should not be able to interfere with the operation of the ship to ensure the security of the ship, crew, and inspectors themselves.

On conflicts of interest, a delegate noted that the draft provision only mentions that inspectors should have no financial interests in any activity related to exploration and exploitation, stressing that the regulations should also ensure there are no conflicts of interest.

Delegates also discussed the confidentiality of information collected by inspectors; what should be included in their reports; and the kind of proprietary data that should remain confidential.

On **inspectors’ powers** (regulation 98), delegates discussed the scope of inspectors’ powers; where they can discharge these powers; and how such powers may interact with domestic authorities within national jurisdictions. Some delegates queried the power of inspectors to seize items for evidence purposes for ISA compliance reviews, noting that the ISA “needs to maintain maximum powers,” but that these powers need to be clarified.

A delegate noted that the draft text includes many qualifiers that weaken the regulation by “watering down” the powers of inspectors in ways that could give contractors discretion to deem what information is “relevant” or “reasonably necessary.”

Some delegates stressed the need to future-proof the regulation, highlighting the potential for inspections through video conferencing and by reviewing digital twins, which refer to a virtual representation of an object or system designed to reflect a physical object accurately. They called for flexibility to keep pace with state-of-the-art technology.

Some members queried who will decide which documents and items are “relevant,” suggesting removing the provision. Delegates further discussed whether inspectors should request original documents or copies and whether to refer to a single inspector or a team of inspectors.

On **inspectors’ power to issue instructions** (regulation 99), discussions focused on:

- the threshold for issuing written instructions, with delegates debating between “harm” or “serious harm” to the marine environment. Some suggested “harmful effects,” while others pointed to contractors’ obligations towards the RRP and the exploitation contract. A regional group suggested defining the relevant terms and many proposed retaining a bracketed reference to human remains, objects, and sites of an archaeological or historical nature;
- the potential for issuing oral instructions, with many delegates noting they should be allowed in urgent cases and be followed by written instructions, and some querying whether oral instructions may lead to disputes on procedural grounds;
- clarifying who needs to be informed about an instruction’s content and how;
- necessary actions by the compliance committee in cases of non-compliance;
- how to address cases where a contract suspension may be required;
- the need for a risk assessment framework to guide inspectors in evaluating the severity of impacts as well as to specify how inspectors’ actions and decisions are documented and reviewed;
- the timeframe for issuance of instructions;
- whether instructions include adjustments of operations;
- a mechanism for contractors to provide input or potentially appeal against instructions;
- including reference to environmental and safety standards and best practices;
- developing criteria for the compliance committee to revise or set aside an instruction and a requirement to provide the relevant rationale; and
- the process for timely consideration of instructions by the Council.

On **inspection reports** (regulation 100), some members called for a streamlined process with clear procedures and effective mechanisms aimed at ensuring the integrity of the inspection process and the enforcement of actions and measures.

A delegate proposed, and several members supported, providing different timeframes for submitting routine or urgent inspection reports. He also proposed including a provision for inspectors to seek clarifications alongside submitting their findings and recommendations.

A few delegates supported that the inspector deliver the report to the chief inspector. A member suggested the Secretary-General publish a copy of the report in the seabed mining register without any confidential information and send it to the relevant contractor and sponsoring state.

Several members noted a lack of clarity regarding the role of the compliance committee in relation to the inspection report, especially for urgent measures and cases of violence, intimidation, or abuse. A delegate suggested adding references to bribery or attempts to bribe.

A few delegates pointed out that contractors and sponsoring states shall provide comments on the findings and recommendations contained in the report. Another member noted that, if applicable, coastal states and flag states should also receive a copy of the report and should be allowed to comment on it.

On **complaints relating to inspections** (regulation 101), a delegation suggested a provision for establishing a grievance procedure to ensure transparency, fairness, and accountability in the process.

A member suggested merging this regulation with regulation 100 on inspection reports, calling for a harmonized process. A delegation proposed referring to an inspector's code of conduct rather than the Authority's code of conduct.

A couple of delegates stressed the need to ensure the contractors' right to raise complaints. Some queried how contractors should address complaints reported to the compliance committee. A member stressed that the regulation should also address the rights of complainants if no action is taken.

Some delegations agreed that the compliance committee shall take reasonable actions to respond to complaints, with several members querying "reasonable" actions, suggesting replacing with "appropriate actions." Several suggested including a provision for the Council to review the complaint report and decide on any additional actions.

Delegates supported moving the regulation on **whistle-blowing procedures** (regulation 101 bis), into the "suspense document," which includes the material removed from the consolidated text, and debated whether the procedure should be established as an exploitation regulation, a general policy of the ISA, or within rules and regulations. Most delegates supported retaining reference to the whistle-blowing procedure in the draft exploitation regulations in the interest of accountability and transparency. A delegation pointed to the EU's policies on whistle-blowing, noting they "might inspire our work" in the ISA. A delegate suggested that the Council decide to take up the issue of the whistle-blowing procedure as an agenda item at the meeting of the Assembly in 2025.

Delegates discussed the role of the **compliance committee** (regulation 102) and whether it should be part of the LTC or Council. A delegate said that the compliance committee should be a standalone body but that existing institutional structures, like the LTC and Secretariat, could be utilized when appropriate. He

suggested the development of a mixed-model approach, whereby the compliance committee would act as an intermediary between the LTC and the Council to ensure compliance and enforcement. Another delegate stressed the importance of ensuring that members of the Compliance Committee do not have conflicts of interest.

Observers suggested the appointment of an ombudsperson to assist in independent investigations and complaints pertaining to the ISA itself. They said this person could come under the auspices of the Office of Internal Oversight Services (OIOS) of the UN, which could support relevant communication channels and ensure the anonymity of those filing complaints.

On **ship notification, electronic monitoring, and data reporting** (regulation 102 bis), delegates noted that, due to its technical nature, this provision may fit more appropriately within standards and guidelines. Similarly, another delegation noted that the LTC would be the appropriate body to review and judge complaints involving inappropriate exploitation activities.

Numerous delegates supported the need for real-time monitoring, with one delegation suggesting video monitoring. A regional group expressed the need for redundancy measures to ensure continuous monitoring in the event of primary system failure. The group added that monitoring systems should, in addition to recording authorized activities, also identify and log any unauthorized actions to enhance regulatory oversight and compliance. Finally, a delegation noted that the regulation needs to specify that the satellite monitoring system is "operational for the full duration of exploitation activities."

On the section on enforcement and penalties, some delegates underscored that the regulation on the **compliance notice, suspension, and termination of an exploitation contract** (regulation 103), is key to making all other regulations meaningful, effective, and enforceable.

Some delegates stressed that enforcement actions should be undertaken by the ISA when necessary to ensure compliance with the regulations and the exploitation contract. They emphasized that the sponsoring state must be informed of any possible violation committed by a contractor, with some suggesting specifying the timeframe to receive the compliance notice, in addition to having the possibility to take coercive measures to remediate these violations. A couple of members suggested amending the title to refer to non-compliance.

Delegates further discussed:

- next steps for cases of suspension or termination of an exploitation contract when a contractor fails to comply with the compliance notice;
- clarifying the process of communicating the compliance notice to the contractor;
- who can take enforcement actions and which enforcement tools are at the disposal of bodies responsible for enforcement;
- balancing contractors' legal rights and the need for transparency;
- addressing reputational risk given it does not constitute a breach of contractual obligations;
- distinguishing between courses of action according to the severity of the breach;
- whether to refer to a suspension of "the contract" or of "rights under the contract";
- publishing the compliance notices in the seabed mining register;
- whether the compliance committee can issue a compliance notice only on the basis of an inspection report or failure to comply with a written instruction;

- the right to an appeal by a contractor; and
- cases where the contractor has failed to comply with a final decision of the dispute settlement body.

On the **power to take remedial action** (regulation 104), a few delegations suggested that the costs and expenses incurred by the ISA in taking remedial action could be covered by the environmental performance guarantee paid by contractors. A couple of delegates said sponsoring states should be notified about the failure to comply.

A member opposed added language, noting that the Council shall consult with the contractors and the LTC regarding the measures, stressing that contractors would have been consulted in previous stages and that the Council is not obliged to ask the LTC for advice. A member highlighted that in some cases that LTC recommendations to the Council might be necessary. Another suggested solving the difference by adding “where appropriate” at the end of the provision.

Regarding **sponsoring states** (regulation 105), some delegations stressed the need for further discussion of the regulation’s scope and level of details, including which measures need to be taken to ensure compliance and whether relevant standards and guidelines need to be developed.

Some members requested clarity on the “necessary and appropriate” measures to secure effective compliance, emphasizing that the ISA must establish the criteria and procedures to implement the sponsorship requirements. A delegate highlighted that sponsoring states have the obligation to ensure compliance, stressing that it would be impossible and unwise to try to specify what that would entail for every situation. A member suggested including as a safeguard that no plan of work would be approved if the relevant sponsoring states do not have appropriate legislation in place.

On the **periodic review of the inspection mechanism** (regulation 105 bis), a few delegations queried if this review is linked to the periodic review under UNCLOS Article 155 (the review conference) and whether this review is included in the process of reviewing all the exploitation regulations under regulation 107 (review of these regulations).

A delegation noted that the title should be changed to “periodic review of the ICE mechanism.” Some members queried the five-year frequency for conducting such reviews; one noted that the first time might be later than five years from the establishment of the compliance committee, and others noted that there might be situations when a review may be needed prior to the five-year period.

A delegate noted that the chief inspector may also have a role in the review alongside the LTC and the compliance committee. A member emphasized the need to ensure that the Council has sufficient resources and time to conduct all the envisaged reviews.

On the **settlement of disputes** (regulation 106), several delegations noted that the reference to Section 5 (settlement of disputes and advisory opinions) of Part XI of UNCLOS suffices to frame the process. A member suggested exploring the possibility of establishing a mechanism on the settlement of disputes within the ISA.

A regional group and some members supported a provision on the ability of the ISA or a sponsoring state to act pursuant to Section 3 of Part XI of these regulations related to enforcement and penalties. A few opposed its inclusion, noting this regulation is not on enforcement.

On the paragraph noting any relevant court or tribunal decision relating to the rights and obligations of the ISA and of the Contractor shall be enforceable in the territory of each ISA member affected thereby, several delegates called for deleting “affected thereby,” noting it narrows down the applicability. A member emphasized that such narrowing would be inconsistent with UNCLOS Article 21.2 of Annex III (applicable law) and Article 39 of Annex VI (enforcement of decisions of the chamber).

Regarding the **review of these regulations** (draft regulation 107), a delegation noted that “technology will evolve, as will our knowledge of the oceans,” and that this will necessitate amendments to the regulations in order for the ISA to fulfill its requirements under UNCLOS.

Delegates debated whether amendments to the regulations should apply retroactively for exploitation contracts that have already been signed. One delegation suggested the establishment of different regimes according to when exploitation contracts were signed.

Many delegates welcomed the reincorporation of text that establishes an appropriate transition period for existing contractors implementing any amendments to the regulations. Members also discussed the process through which amendments to the regulations can be requested, with one noting that “transparent and clear rules for the review of the regulations is necessary.”

**Review of Progress and Adoption of a Roadmap 2024-2025:** On Friday, 26 July, the working groups’ Co-Facilitators reported back on progress. President Myklebust proposed the adoption of a 2024-2025 roadmap with a view to adopting the draft regulations during the 30th session of the ISA in 2025, including a proposal for a third meeting of the 29th session in November 2024.

CHINA, NAURU, NORWAY, SINGAPORE, UGANDA, and the UK expressed their support for this roadmap, noting the progress made and the importance of maintaining momentum. BANGLADESH, COSTA RICA, FIJI, and GERMANY did not support this roadmap due to the financial and personnel constraints of holding a meeting in November, while also noting the limited time delegates would have to consider and comment on the revised version of the consolidated text once circulated. Ghana for the AFRICAN GROUP, AUSTRALIA, and CANADA expressed their flexibility regarding another meeting.

President Myklebust suggested an alternate 2024-2025 roadmap that encourages intersessional work and the submission of written comments in lieu of a November meeting. He committed to providing a revised version of the consolidated text in November 2024, alongside a list of proposed standards and guidelines based on the revised consolidated text. Following discussions, the Council approved the roadmap. The 30th annual sessions of the ISA will be held in March and July 2025.

### ***Proposal to the Assembly of a List of Candidates for the Election of the Secretary-General.***

On Friday, 26 July, Leticia Reis de Carvalho, and incumbent Michael W. Lodge were nominated for the position of Secretary-General.

**Final Decision:** In the final decision ([ISB4/29/C/22](#)), the Council recommended proposing two candidates to the Assembly: Leticia Reis de Carvalho, nominated by Brazil, and Michael W. Lodge, nominated by Kiribati.

**Closing Plenary**

On Friday, 26 July, JAMAICA, as the host country, thanked delegates for the progress during the session, highlighting the completion of the first reading of the consolidated text of the draft exploitation regulations.

President Myklebust thanked all ISA members, staff, and everyone who had participated over the last two weeks, noting that the Council made significant progress. He gavelled the meeting to a close at 8:44 p.m.

**ISA-29 Assembly Report**

On Monday, 29 July, Amara Sowa (Sierra Leone), on behalf of Fanday Turay (Sierra Leone), Assembly President for the 28th session, opened the session.

Secretary-General Lodge welcomed delegates, highlighting the broad participation as a testament to the hard work done to raise the profile of the organization and as an indication of increasing support for and commitment to the work of the ISA. He noted the Council worked intensively, bringing closer the goal of a robust, science-based, precautionary regulatory framework for commercial mining activities in the Area.

**Organizational Matters**

**Adoption of the Agenda:** On Monday, 29 July, Acting President Sowa introduced the provisional agenda ([ISBA/29/A/L.1](#)). He noted that no vacancy exists in the Finance Committee, suggesting removing the relevant agenda item.

CHINA, supported by SAUDI ARABIA, expressed doubts over the introduction of an agenda item on the establishment of an ISA general policy for the protection and preservation of the marine environment. They noted that: environmental protection is addressed by relevant parts of the draft regulations; the Assembly agenda is heavy; and the Council needs to address the issue first and make recommendations. Ghana for the AFRICAN GROUP shared these concerns, stressing the need for adequate time to consider the other items on the agenda.

CHILE, supported by FRANCE, SPAIN, and VANUATU, highlighted the joint submission with BRAZIL, COSTA RICA, FRANCE, GERMANY, IRELAND, PALAU, SWITZERLAND, and VANUATU, stressing the Assembly has a mandate and responsibility to develop and adopt a general policy for environmental protection. CANADA noted that the item is already on the agenda, supporting adoption.

SWITZERLAND called for clarifying the procedure for the election of the Secretary-General.

The Assembly adopted the agenda, deleting the agenda item on elections to fill vacancies in the Finance Committee.

**Election of Officials:** On Monday, 29 July, Acting President Sowa noted that the Eastern European Group was still consulting on the nomination of the President. As no consensus could be reached, Acting President Sowa presided over the Assembly's proceedings.

Dominican Republic, Nauru, and Portugal were nominated as Vice-Presidents and elected by acclamation.

**Credentials:** On Monday, 29 July, delegates appointed the following ISA members to the Credentials Committee: Brazil, Chile, Côte d'Ivoire, Indonesia, Ireland, Japan, South Africa, and Switzerland. A nomination was pending from the Eastern European Group.

On Friday, 2 August, IRELAND, Chair of the Credentials Committee, presented the credentials report ([ISBA/29/A/10](#)), noting 83 states submitted credentials and 12 states submitted related information. The Assembly accepted the report.

**Consideration of Requests for Observer Status**

On Monday, 29 July, delegates considered and approved requests for observer status from 14 organizations. Two requests were not approved, as delegates noted that they do not fulfill the requirements for observer status for non-governmental organizations ([ISBA/29/A/INF/1 – ISBA/29/A/INF/16](#)).

**Secretary-General's Award for Excellence in Deep-Sea Research**

On Monday, 29 July, Rengaiyan Periasamy (India) received the 2024 Secretary-General's Award for Excellence in Deep Sea Research. He was recognized for his significant contributions to understanding and monitoring deep-sea ecosystems, including his work to identify and describe 12 new species from the Mid-Indian Ocean ridge.

Members congratulated Periasamy, highlighting the significance of his research and the encouragement of young scientists in the field of deep-sea marine exploration.

**Annual Report of the Secretary-General**

Delegates addressed the annual report of the Secretary-General from Monday, 29 July, to Wednesday, 31 July.

On Monday, Secretary-General Lodge presented his report, highlighting the formal report ([ISBA/29/A/2](#)) and the [illustrated](#) version, drawing attention to the report on the implementation of the ISA's action plan in support of the UN Decade of Ocean Science for Sustainable Development ([ISBA/29/A/5](#)). He highlighted San Marino's accession to UNCLOS, bringing the number of Member States of the ISA to 170.

He stressed that the illustrated report demonstrates the breadth and substance of activities undertaken by the ISA last year, organized by reference to the Strategic Plan's implementation and the nine strategic directions contained therein.

Secretary-General Lodge highlighted, among other things:

- the report on ISA contributions to the BBNJ Agreement;
- the launch of the regional training center in Egypt and the African Academy for deep-sea diplomacy in Cameroon;
- the convening of a workshop on the development of the REMP for the North-West Pacific Ocean;
- threshold values development on underwater noise and toxicity;
- activities towards the implementation of the marine scientific research Action Plan;
- capacity development, including the contractors' training programme, internship programme, national expert deployment programme; the global mentoring programme for women scientists; and the deep-sea literacy programme; and
- four selected projects for implementation by the Board of the ISA Partnership Fund.

Delegates thanked the Secretary-General for the comprehensive report. Many highlighted contributions to the 2030 Agenda for Sustainable Development and the SDGs, in particular SDG 14 (life below water), and underscored efforts at the national and regional levels to contribute to ISA's work. Delegates further emphasized the



need to protect the marine environment and their commitment to the principles and objectives of UNCLOS and the 1994 Agreement. Many underscored the importance of equitable benefit-sharing.

Surangel S. Whippis Jr., President of Palau, reiterated the call for a moratorium, underscoring scientific uncertainty over the impacts of deep-sea mining. He pointed to viable, less harmful alternatives for the green transition and lamented that “we are once again at the mercy of powerful external forces, reminiscent of colonial exploitation that scarred our history.”

David Adeang, President of Nauru, called for balancing the rights, interests, and obligations of countries with and without access to marine technology, cautioning a reinterpretation of effective control that may privilege developed nations with access to capital and technology. He stressed the strategic importance of deep-sea mining for his country and underscored the need for high environmental standards and equitable benefit-sharing.

INDONESIA, JAMAICA, JAPAN, SENEGAL, and others stressed the need for balance between the protection of the marine environment and the sustainable exploitation of mineral resources in the Area, urging the elaboration of RRP in an efficient and constructive manner. SAUDI ARABIA pointed out that through international cooperation and knowledge-sharing, the development and deployment of deep-sea carbon storage technologies can be accelerated.

ECUADOR, FIJI, FINLAND, FRANCE, GERMANY, GREECE, HONDURAS, INDIA, IRELAND, PANAMA, the REPUBLIC OF KOREA, SWITZERLAND, the UK, VANUATU, and others reiterated the call for a precautionary pause or moratorium on deep-sea mining. FRANCE underscored the destructive impacts of unregulated exploitation of natural resources.

FINLAND emphasized that “while we know more today than 40 years ago, our understanding is still far from sufficient for authorizing commercial exploitation activities.” PANAMA stressed we “must not lose sight of our duty to protect the marine environment because of the legal scenario we are facing under the two-year rule.” IRELAND added that there is no certainty that the required energy transition will be green without filling substantial knowledge gaps on deep-sea ecosystems.

AUSTRIA, GUATEMALA, HONDURAS, and TUVALU joined the call for a precautionary pause on deep-sea mining, bringing the number of countries calling for such a pause or moratorium to 32.

CHINA stated that a moratorium would not operationalize the principle of the common heritage of humankind and contradicts the spirit of UNCLOS and the 1994 Agreement. He urged for a new strategic plan and progress toward the development of the draft exploitation regulations. GREECE noted the call for a precautionary pause is in line with the letter and spirit of UNCLOS.

AUSTRALIA, BANGLADESH, BELGIUM, BRAZIL, CANADA, ECUADOR, FIJI, FINLAND, FRANCE, GERMANY, GREECE, ITALY, MEXICO, PAKISTAN, POLAND, SINGAPORE, SWITZERLAND, the UK, VANUATU, ZIMBABWE, and others opposed submitting mining applications and opposed provisional approvals of plan of works in the absence of a knowledge-based and robust Mining Code.

The COOK ISLANDS on behalf of 13 Pacific States, stressed the need for a strong, comprehensive, and fit-for-purpose regulatory framework to be put in place before any exploitation of seabed minerals can occur.

AUSTRALIA, CUBA, FIJI, MONACO, SPAIN, and many others called for robust provisions on environmental protection and strong institutional arrangements.

CHILE, COSTA RICA, GERMANY, and others emphasized the need for more scientific knowledge before approving plans of work. CHILE noted the ocean is a “fundamental, decisive component” of the ecosystems that support life on our planet and stressed the need to support fragile ecosystems, threatened habitats, and species. The BAHAMAS underscored the need to uphold high standards of environmental protection, sustainable development, and social responsibility.

CHILE, COSTA RICA, TONGA, and many others stressed the need for a precautionary approach, with COSTA RICA noting the Secretary-General’s report “lacks precautionary perspective despite the title of the illustrated report.” They affirmed, alongside BELGIUM, CANADA, GERMANY, GREECE, PORTUGAL, and others, their support for the development of a general policy to support environmental protection.

CUBA, IRELAND, NORWAY, SIERRA LEONE, SPAIN, and others stressed the need for a rigorous and independent inspection and enforcement mechanism, a benefit-sharing mechanism for humanity as a whole, in addition to greater transparency, accountability, and good governance before the commencement of exploitation activities.

Ghana for the AFRICAN GROUP, ANTIGUA AND BARBUDA, AUSTRALIA, INDONESIA, the RUSSIAN FEDERATION, SINGAPORE, SOUTH AFRICA, SURINAME, TRINIDAD AND TOBAGO, the UK, and ZIMBABWE highlighted efforts towards the operationalization of the Enterprise.

NORWAY stressed that UNCLOS “remains our guiding star on ocean affairs” and stressed the need to elaborate and adopt exploitation regulations in a timely manner. The COOK ISLANDS, underscoring that deep seabed minerals hold immense potential for their prosperity, highlighted the need to ensure the preservation of the marine environment and peoples’ long-term well-being.

UGANDA emphasized that the term “mining” is a misnomer when discussing the collection of polymetallic nodules from the seafloor, and that we need to “keep it simple,” noting that the exploitation of resources can be done sustainably and in line with SDGs.

Ghana for the AFRICAN GROUP, ARGENTINA, AUSTRALIA, CAMEROON, CUBA, ECUADOR, EGYPT, FIJI, FRANCE, ITALY, JAMAICA, KIRIBATI, MALTA, MEXICO, NAURU, NIGERIA, PAKISTAN, POLAND, SIERRA LEONE, SENEGAL, SOUTH AFRICA, TANZANIA, TONGA, TRINIDAD AND TOBAGO, the UK, VIETNAM, and others commended capacity-building efforts, including advancing women’s leadership in ocean affairs. SOUTH AFRICA and ZIMBABWE stressed the need to operationalize the economic and planning commission.

CAMEROON, EGYPT, ITALY, ZIMBABWE, and others drew attention to the establishment of the first-ever African Academy for Deep-Sea Diplomacy in Cameroon and the establishment of the ISA-Egypt joint training and research center in Alexandria.

The COOK ISLANDS, FRANCE, ITALY, PAKISTAN, and the REPUBLIC OF KOREA commended the ISA Action Plan for marine scientific research, with the COOK ISLANDS urging continued investment in innovative technologies that enhance monitoring and management capabilities.

JAMAICA highlighted the expansion of strategic partnerships toward protecting the marine environment, stressing the 30th anniversary of the ISA allows reflection on challenges and opportunities related to the evolutionary approach to its development.

THE COOK ISLANDS, FIJI, JAMAICA, PAKISTAN, SINGAPORE, and others drew attention to the call for action for ensuring the stewardship of the Area and its resources for the benefit of all humanity through deep-sea science, technology, and innovation.

ANTIGUA AND BARBUDA, the COOK ISLANDS, and others highlighted the Partnership Fund and relevant initiatives it supports. The NETHERLANDS and others highlighted contributions to the Voluntary Trust Funds aimed to support participation into the work of the Council, the LTC, and the Finance Committee.

BANGLADESH, BELGIUM, CANADA, COSTA RICA, GERMANY, and SPAIN highlighted the need to carry out the second periodic review, with a view to develop the institutional capacity of the ISA to carry out reviews when the regulations are adopted.

The RUSSIAN FEDERATION noted that “key aspects,” such as the approval of standards and guidelines, have yet to be resolved and lauded efforts to develop environmental threshold values.

CUBA urged avoiding the unnecessary politicization of the ISA. ANTIGUA AND BARBUDA and GREECE underscored the ITLOS advisory opinion on states’ obligations to protect and preserve the ocean from the impacts of climate change.

BELGIUM, FIJI, FINLAND, GREECE, GUATEMALA, HONDURAS, JAMAICA, MONACO, PAKISTAN, PORTUGAL, SINGAPORE, VANUATU, VIET NAM, and others called for a swift BBNJ Agreement ratification and entry into force, looking forward to the collaboration between the ISA and BBNJ in the protection of the marine environment. BELGIUM cautioned against a siloed approach on ocean governance. TUVVALU underscored the interconnectedness of ISA’s decisions with other global treaties and frameworks, stressing relevant international commitments.

The NETHERLANDS emphasized the need to future-proof the draft exploitation regulations. He stressed that, with growing interest in the ISA’s work, public scrutiny also expands, noting the need to “demonstrate ability to effectively discharge our mandate.”

HONDURAS, SIERRA LEONE, and others called for broad and inclusive debates around the development of exploitation regulations with the engagement of relevant stakeholders, observers, experts, Indigenous Peoples, and local communities.

BRAZIL underscored their nomination for a candidate for the position of the Secretary-General reaffirms their commitment to the ISA, urging respect for the principle of geographical rotation.

The US stressed that if an application for a plan of work for exploitation is submitted before the Mining Code is completed, the 1994 Agreement Annex stipulates that provisional approval of an application should not be interpreted as permission to begin mining.

IUCN highlighted that the technical and economic viability of seabed mining remains unproven and controversial. WWF INTERNATIONAL drew attention to the shifts in the type and amount of demanded minerals. THE PEW CHARITABLE TRUSTS noted the lack of science, resources, and governance to permit and oversee a damaging extractive industry. The OCEAN FOUNDATION underscored that seabed mining has been excluded from the policies of several insurers and reinsurers.

UNEP called for an inclusive and transparent process. The CENTER FOR POLAR AND DEEP OCEAN DEVELOPMENT underlined the efforts and further need for capacity building. DOSI emphasized many scientific gaps regarding deep-sea ecosystems. SUSTAINABLE OCEAN ALLIANCE stated the right of future generations to inherit a healthy ocean. GREENPEACE urged focusing on ocean recovery rather than its exploitation. OPIS OCEANI FOUNDATION announced a permanent presence in Kingston, enabling them to operate intersessionally.

TETIAROA SOCIETY drew attention to the connections between science and traditional knowledge. TE IPUKAREA SOCIETY emphasized the need for the principle of free, prior, and informed consent of Indigenous Peoples and local communities. MAUI NUI MAKAI NETWORK offered an oli (chant) related to the shared responsibility of protecting the land and seas.

DSCC encouraged members to align any ISA decision with international commitments on biodiversity and climate action. The INTERAMERICAN ASSOCIATION FOR ENVIRONMENTAL DEFENSE stressed that deep-sea mining promotes a false solution toward a green energy transition. Many of them called on all members of the ISA Assembly to protect the deep ocean by implementing a precautionary pause or moratorium on deep-sea mining.

The Assembly took note of the annual report of the Secretary-General.

### ***Statement by the Council President on the Work of the Council***

Council President Myklebust presented his statement on the work of the ISA Council during the first and second parts of the 29th session ([ISBA/29/C/9](#) and [Add.1](#)).

He highlighted, among other things:

- work towards the development of the draft exploitation regulations for deep-sea mining, stressing that the Council completed the first reading of the consolidated text;
- thematic discussions under relevant working groups and intersessional work;
- the revised roadmap for further work;
- the reports of the LTC Chair, the Finance Committee Chair, the Interim Director-General of the Enterprise, the Secretary-General on ISA’s annual activities; and
- the implementation of the Council decision related to the reports of the LTC Chair.

Myklebust noted significant progress in the development of the draft exploitation regulations, expressing his appreciation to all delegates and participants.

AUSTRIA emphasized that deep-sea minerals should not be exploited before the effects are addressed, the risks understood, and technologies are able to demonstrate that the marine environment is preserved and protected, joining the call for a precautionary pause.

COSTA RICA stressed that, despite progress in the development of the regulations, “we are still very far from concluding our work,” just having finished the first reading of the consolidated text. The DOMINICAN REPUBLIC reiterated its position in favor of a precautionary pause, noting it reflects its commitment to sustainability and environmental protection.

Ghana, for the AFRICAN GROUP, welcomed concluding the first reading of the consolidated text, looking forward to the revised draft, highlighting ongoing intersessional work. UGANDA noted that a potential moratorium would limit scientific research. EGYPT

stressed the need for joint work on the draft exploitation regulations to ensure activities are conducted sustainably and minimize environmental impacts.

The Assembly took note of the President's statement.

### **Report of the Interim Director General of the Enterprise**

On Friday, 2 August, Eden Charles, Interim Director-General of the Enterprise, presented his report ([ISBA/29/A/6-ISBA/29/C/12](#)) on work related to the operationalization of the Enterprise. The report included updates on:

- the Interim Director-General's role in the negotiation of the draft exploitation regulations;
- insights into managerial policy options for the Enterprise and the availability of trained personnel;
- the monitoring and review of trends and developments related to deep-sea mining, including the assessment of technological developments;
- analyzing global metal markets conditions and prices; and
- preparing reports to inform decision making and stakeholder engagement.

ARGENTINA, CAMEROON, CHINA, EGYPT, the AFRICAN GROUP, TRINIDAD AND TOBAGO, and SURINAME praised the work of the Interim Director-General, highlighting his active involvement in the negotiation of draft regulations. They noted the technology transfer initiatives and workshops organized under his tenure.

CAMEROON, EGYPT, GHANA, and SURINAME applauded the step-by-step operationalization of the Enterprise and commended the Interim Director-General's efforts to support the role of developing countries in deep-sea mining activities.

The Assembly took note of the report.

### **Report and Recommendations of the Finance Committee and Budget**

On Wednesday, 31 July, Acting President Sowa introduced the report of the Finance Committee ([ISBA/29/A/9-ISBA/29/C/20](#)) and the proposed ISA budget for 2025-2026 ([ISBA/29/A/3-ISBA/20/C/11](#), and [Add.1](#)).

CHINA, GHANA, INDIA, ITALY, and JAPAN praised the zero-growth approach of the budget, observing that the rise in inflation and increase in UN common system salaries as responsible for the 16% budget increase.

On the benefit-sharing mechanism, AUSTRIA, CHINA, and INDIA lauded the progress made by the Finance Committee but noted further discussions are needed. AUSTRIA stressed the need to devise a procedure for obtaining income from exploitation activities, rather than solely focusing on the distribution of payments.

COSTA RICA, FRANCE, GERMANY, the UK, and VANUATU called for greater transparency and accountability measures concerning the reclassification of posts. They further suggested a report on the breakdown of the costs and class of air travel for all members of the Secretariat in the current and future budget proposals.

Many delegations expressed concern that, despite requesting this information to be shared with the Assembly prior to the discussion on the adoption of the budget, it has yet to be revealed by the Secretariat. Although some delegations noted with concern that these calls raised in the Council and Assembly remain unanswered, the Assembly agreed to adopt the ISA budget for 2025-2026.

**Final Decision:** In the final decision ([ISBA/29/A/11](#)), the Assembly:

- approves the 2025-2026 budget in the amount of USD 26,427,000, alongside increases to the Working Capital Fund by USD 75,000, as recommended by the Finance Committee;
- authorizes the Secretary-General to establish the scale of assessments in accordance with the scale used for the regular budget of the UN;
- urges ISA Member States to pay their assessed contributions, including Member States that are in arrears;
- calls on Member States and other possible donors to contribute to the Voluntary Trust Funds; and
- requests the Secretary-General to implement measures to increase transparency and accountability regarding travel expenses and the reclassification of posts, as recommended by the Finance Committee.

### **Report on the Review of the High-level Action Plan for the Extended Period 2019-2025**

On Friday, 2 August, the Secretariat introduced the report ([ISBA/29/A/8](#)), noting the extended High-level Action Plan aligns with the extension of the ISA Strategic Plan to 2025. The plan has provided a uniform basis for the working practices of the ISA, ensuring coordination between different ISA organs. The report includes an [annex](#) describing the status of implementation of relevant high-level actions for 2023-2024. The Assembly took note of the report.

Observers called on members of the Assembly to read the annex to ensure they are satisfied with the number of items marked as achieved, noting they require further work. They also queried why some high-level actions, such as stakeholder consultations, have been put on hold with no rationale or justification.

### **Periodic Review of the International Regime of the Area**

On Wednesday, 31 July, delegates exchanged views on the appropriateness of initiating a process for the second periodic review of the international regime of the Area at this stage.

BANGLADESH, BELGIUM, CANADA, CHILE, COSTA RICA, FINLAND, FRANCE, GERMANY, GREECE, GUATEMALA, INDONESIA, IRELAND, the MARSHALL ISLANDS, MOROCCO, the NETHERLANDS, PALAU, PANAMA, SWITZERLAND, VANUATU, VIET NAM, and the DSCC on behalf of many environmental NGOs, supported starting as soon as possible, underscoring relevant obligations under UNCLOS Article 154 (periodic review).

In contrast, AUSTRALIA, AUSTRIA, CAMEROON, CHINA, INDIA, ITALY, JAPAN, NAURU, and the UK suggested postponing the review, pointing toward the ISA Secretariat's workload and the priority that should be given to developing and approving the draft exploitation regulations. ARGENTINA, BANGLADESH, MEXICO, and others raised budgetary concerns and called for alternative funding mechanisms.

Acting President Sowa noted divergent opinions and encouraged informal consultations.

On Friday, 2 August, CANADA reported that no consensus was reached in the informal discussions and requested including the issue on the agenda for the 30th session.

The Assembly decided to defer discussions on the periodic review to the 30th annual session in 2025.

### ***Proposal for a General Policy for the Protection and Preservation of the Marine Environment***

On Wednesday, 31 July, Acting President Sowa reminded delegates of the note verbale ([ISBA/29/A/4](#)) submitted by Chile during the 29th annual session, stating that the proponents of an ISA general policy for the protection and preservation of the marine environment have worked informally to develop a relevant draft decision.

CHILE, on behalf of the proposal's proponents (BRAZIL, CHILE, COSTA RICA, FRANCE, GERMANY, IRELAND, PALAU, SWITZERLAND, and VANUATU) outlined the legal basis mandating the Assembly to establish general policies, including UNCLOS Articles 160 and 162 (powers and functions of the Assembly and the Council, respectively). He called for an open and transparent intersessional dialogue, and explained why such a general policy would be necessary and the relationship between the process to develop the general policy and ongoing negotiations on the draft exploitation regulations.

ARGENTINA, AUSTRALIA, BELGIUM, CANADA, COOK ISLANDS, DOMINICAN REPUBLIC, FINLAND, FIJI, FSM, GREECE, ITALY, JAMAICA, MADAGASCAR, MEXICO, the NETHERLANDS, NEW ZEALAND, NORWAY, MOROCCO, MONACO, PALAU, PANAMA, PORTUGAL, SAMOA, SPAIN, TANZANIA, the UK, and VANUATU supported the proposal, pointing to the need for a holistic approach that takes into account the interconnectedness of the ocean and addresses the triple planetary crisis of climate change, biodiversity loss, and pollution. They stressed the general policy should be developed in an inclusive manner with the collaboration of all ISA members and organs.

They noted that the general policy would:

- be a significant advance in efforts to safeguard the marine environment;
- provide a cohesive and robust framework for decision making on ocean governance, including coordination with other processes, such as the Kunming-Montreal Global Biodiversity Framework and the BBNJ Agreement; and
- be crucial for defining minimum standards for environmental protection in the Area and setting the ISA strategic direction in this regard.

GREECE, VANUATU, and others noted the general policy should be adopted prior to the adoption of the exploitation regulations, stressing it would guide the implementation of the Mining Code. NORWAY and the UK suggested strengthening the role of the LTC and the Council in the proposed process.

Ghana on behalf of the AFRICAN GROUP, CAMEROON, CHINA, EGYPT, INDIA, INDONESIA, JAPAN, KUWAIT, NAURU, NIGERIA, PAKISTAN, QATAR, REPUBLIC OF KOREA, RUSSIAN FEDERATION, SAUDI ARABIA, SENEGAL, SINGAPORE, and UGANDA, while appreciating that a general policy could provide an overarching framework to ISA work, noted:

- the general policy needs to be developed in collaboration with the Council;
- the ISA organs, in particular the Council, are overburdened with the development of the draft exploitation regulations;
- there is no pressing need to adopt a general policy prior to concluding negotiations on the draft exploitation regulations, which contain several environmental provisions;
- the topic might be addressed under the strategic plan of the ISA, which has a section on environmental protection;

- a “one-size-fits-all” approach to a general policy may not be suitable given the diverse nature of marine environments;
- the ISA's work related to the protection of the marine environment and the need to avoid the duplication of efforts; and
- actions should focus on implementing the mechanisms that have already been developed.

On Friday, 2 August, CHILE underscored constructive exchanges in the informal consultations, requesting additional time to reach consensus.

Following further informal consultations, delegates were not able to reach consensus on the modalities for an intersessional dialogue toward the development of such a general policy. They were further unable to agree on deferring the item to the 30th session in 2025. Acting President Sowa stressed this does not preclude the initiative's proponents from presenting the item once again for inclusion in the agenda for next year's session, according to the rules of procedure.

### ***Election to Fill the Vacancies in the Council***

On Friday, 2 August, Acting President Sowa invited delegates to elect 18 members for the ISA Council for a four-year period beginning 1 January 2025, introducing the relevant documents ([ISBA/29/A/CRP.1](#) and [CRP.2](#)). Members elected the nominated candidates by acclamation.

**Final Decision:** In the final decision ([ISBA/29/A/CRP.3](#)), the Assembly elects the following members for a four-year term, unless otherwise noted:

- Group A (major consumers or major net importers): China and Japan
- Group B (major investors): India
- Group C (major producers and net exporters): Canada and South Africa
- Group D (group of special interests): Bangladesh, Brazil, and Uganda, with the understanding that Bangladesh will relinquish its seat to the Philippines for 2027
- Group E (members of the regional groups): Argentina, Costa Rica, Mauritius, Morocco, the Netherlands, Poland, Spain, Tanzania, Trinidad and Tobago, and the UK, with the understanding that Spain and the UK will relinquish their seats to Portugal and Ireland for 2025, respectively, and the Netherlands will relinquish their seat to Belgium for 2025 and to Norway for 2026 and 2028.

### ***Election of the Secretary-General***

Members held the election for the position of Secretary-General on Friday, 2 August. Acting President Sowa noted that several Member States are in arrears to the ISA ([ISBA/29/A/7/Rev.1](#)). However, seven Member States submitted notes verbales under UNCLOS Article 184 (suspension of the exercise of voting rights), whereby the Assembly may grant the opportunity for states in arrears to vote if the Assembly is satisfied that failure to pay is beyond their control.

BANGLADESH, CHINA, INDONESIA, ITALY, KIRIBATI, QATAR, SINGAPORE, and the UK, while noting their respect for the specific circumstances preventing some Member States from paying their arrears, stated the Assembly did not have sufficient time to assess the basis for which Member States qualify to vote, and as such, should not be permitted to vote.

BOLIVIA, COSTA RICA, DOMINICAN REPUBLIC, GHANA, HONDURAS, MAURITIUS, and PANAMA stressed the principle of inclusion and that UNCLOS offers a way forward that should be taken into account for all Member States to exercise their rights

to participate in and support the goals of the ISA. As a result of consensus not being reached in the Assembly, Acting President Sowa noted that members in arrears, including those that submitted relevant notes verbales, would not participate in the elections.

Acting President Sowa, outlined the electoral process and presented the two candidates: Leticia Reis de Carvalho, nominated by Brazil; and incumbent Michael Lodge, nominated by Kiribati. He suggested an informal, secret, indicative vote to assess the level of support for each candidate, allowing subsequently a decision by consensus.

CANADA, SAMOA, and SINGAPORE objected the informal vote, stressing the need for transparency. UGANDA expressed support for holding an indicative vote, noting that “it has served us well in the past.”

Acting President Sowa then stated the election shall take place by a formal vote by secret ballot, explaining the rules of procedure, including for proxy votes. The Assembly proceeded with the election.

Delegates elected Carvalho as the new ISA Secretary-General with 79 votes in favor out of a total of 113 valid ballots cast.

BRAZIL underscored that the result is “an expression of its commitment to strengthening the institution of the ISA and to fulfill the ISA’s mandate,” adding that the incoming Secretary-General Carvalho will be “building bridges between all ISA stakeholders.” KIRIBATI acknowledged the results of the election, extending his congratulations to the elected candidate and thanking the outgoing Secretary-General for his service to the ISA.

### ***Closing Plenary and Dates of the Next Assembly***

On Friday, 2 August, Acting President Sowa announced the 30th session of the Assembly will take place from 21-25 July 2025.

Delegates offered a standing ovation for Ambassador Helmut Türk (Austria) on his retirement and for his outstanding contribution to UNCLOS and ISA negotiations for 51 years.

JAMAICA thanked all delegates and participants for the progress made during this session, congratulating the incoming Secretary-General and the acting President for his leadership.

Acting President Sowa thanked the outgoing Secretary-General and the Secretariat for their hard work, and delegates and observers for the productive discussions that took place in “a decent and very amicable atmosphere” throughout the Assembly. He gavelled the meeting to a close at 6:12 pm.

### **A Brief Analysis of the Meetings**

“There is a challenging task awaiting the incoming Secretary-General at this crucial time in history for the ISA,” announced a delegate during the closing remarks at the 29th session of the Assembly of the International Seabed Authority (ISA). This statement captures the essence of what is at stake: the negotiation of robust and sound draft regulations for the exploitation of resources from the seabed, and a change in the leadership of the Secretariat after eight years.

The exploitation regulations for commercial deep-sea mining activities have been on the Council’s agenda since 2015 and have dominated the discussions for the last couple of years. In 2021, Nauru invoked a provision of the 1994 Agreement of the UN Convention on the Law of the Sea (UNCLOS), triggering a two-year countdown to finalize the regulations, which expired on 9 July 2023. Members agreed on a roadmap for further work on developing the

regulations, with a view to their adoption in 2025, although many believe the regulations are far from being ready for adoption.

Eager to move forward with the negotiation of draft regulations, delegates, observers, and participants descended upon Kingston, Jamaica, for the second part of the 29th annual session of the ISA, consisting of a two-week Council meeting followed by a one-week Assembly meeting.

Despite overall progress on the negotiation of the draft regulations, the Council was confronted with diverging positions between those wanting to finalize the regulations and begin exploiting resources as soon as possible and those supporting a precautionary pause or moratorium until sufficient scientific evidence is available for informed decision-making. In such a context, ISA members strived to find balance among all interests and obligations regarding the Area, “the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.”

The election of the ISA Secretary-General dominated the 29th annual session of the Assembly. Members elected Leticia Reis de Carvalho of Brazil, marking a change in leadership after eight years and, according to many participants, potentially “a new course for the ISA.” It remains to be seen if a new vision will lead to bridging diverging opinions on other topics under discussion, including the development of an ISA general policy for the protection and preservation of the marine environment and initiating the second periodic review of the international regime of the Area.

This brief analysis will outline the main progress and challenges toward the development of the draft exploitation regulations, including topics on further intersessional work, new and pending issues, and relevant decisions affecting the governance procedures and managerial capacities of the ISA.

### ***The First Time Around: A Full Reading of the Draft Regulations***

In conjunction with their work during the session’s first part in March 2024, Council members completed a first reading of the consolidated text of the draft regulations for the commercial exploitation of deep-sea mineral resources in the Area. Some delegates highlighted the “first reading milestone” as indicative of the progress made toward the finalization of the regulations, strengthening the aim of “considering, with a view to adopting them, during the 30th session of the Assembly in 2025.”

Conversely, others emphasized the still-growing list of pending issues that remains an obstacle to finalizing the draft regulations. Some of these issues will be addressed in the upcoming intersessional period in an effort to find consensus on broad-spanning issues, including effective control, underwater cultural heritage, equalization measures, and environmental management and monitoring. Moreover, many delegates raised outstanding issues related to benefit-sharing and financial mechanisms, liability and compensation, and environmental externalities. As succinctly put by a participant, “this long list only proves the many controversial issues that still require significant amounts of work and time.”

In addition, observers highlighted studies that point to the need for a decade or more of further research to ascertain the information necessary to develop a sufficient understanding of the risk of harm to species, ecosystems, and the marine environment due to mining activities and whether harm or damage could be prevented.

While some delegations continuously stressed the lack of sufficient knowledge and understanding of the deep sea, a groundbreaking study released during the Council session caught

the attention of many members: “dark oxygen.” The study reveals that the polymetallic nodules on the seabed are producing oxygen which, according to several participants, if confirmed, may modify the entire debate regarding deep-sea mining. “As a leading scientist noted “if seawater electrolysis is confirmed as the source of this oxygen production, it will completely change our understanding of deep-sea ecosystems and will have a bearing in the ISA negotiations.”

After two weeks of negotiations, delegations agreed on intersessional work and will continue deliberations in March 2025. A seasoned participant commented that “the never-ending list of pending issues and all the new scientific findings yet to be discovered gives me the impression that finishing this tremendous task in the next couple of sessions is nothing but unrealistic.”

### ***Agreeing to Disagree***

Even though the main Council task was to advance the draft regulations, there were many stressful discussions on other issues. As the Council approached the conclusion of its first week of deliberations, Germany and Costa Rica led a request for the prompt circulation of the Finance Committee’s report. Despite calls for the report to be circulated on Friday, it was only distributed over the weekend, followed by an unmarked revised version that was shared on Monday.

The report’s late delivery, the lack of clarity around changes to the document, and the increased 2025-2026 proposed budget heightened tensions within the Council and divided delegates over whether to recommend the budget to Assembly. Many sought increased transparency and accountability from the Secretariat, calling for clarification on the Authority’s policy regarding the disclosure of travel expenses, reclassification of posts, expenses paid to consultants and auditors, and grounds for the Finance Committee’s recommendation to require payment from observers for their participation due to alleged costs “absorbed” by the ISA. Other delegates said increases in the budget should be expected and the Council should not question the hard work of the Secretariat and Finance Committee.

In response to long-standing allegations of misspending within the Secretariat, Secretary-General Michael Lodge pushed back stating that “the bullying of the Secretariat needs to end.” Regarding the publication of the Finance Committee report, he called it “deplorable to make insinuations that the Secretariat intentionally changes documents or delays publications.” He also stressed that “media leaking has to come to an end.”

Despite the Assembly’s eventual approval of the budget for the next biennium, the concerns of some delegates that the requested information was still not provided by the Secretariat set the tone for other disagreements during the session.

Some delegations, led by Germany, supported the need for a periodic review of the international regime of the Area, as stipulated in UNCLOS, noting that it will contribute to developing the ISA’s institutional capacity. However, other delegations pointed toward the Secretariat’s workload and that priority should be given to the completion of the draft exploitation regulations. Following formal and informal exchanges on the matter, the Assembly decided to postpone the periodic review until its next annual session.

The discussion on the proposed informal intersessional dialogue for the development of an ISA general policy for the protection and preservation of the marine environment, led by Chile and eight other proponents, was equally contentious. Opponents called the general

policy unnecessary and a duplication of efforts as the Council works to finalize the draft regulations, pointing also to the lack of relevant Council recommendations. Chile called for addressing the matter in the future, stressing that dialogue is at the core of multilateralism and that reconciling diverging views requires that door to remain open. Regardless of several attempts to reach a consensus, the Assembly could not agree on establishing such dialogue.

### ***Finding Common Ground***

Despite these challenging issues, delegations also focused their attention on progress made and initiatives that are uniting Member States. The 30th anniversary of the ISA created space to commemorate past and ongoing achievements, unifying the Assembly in its commitments to sustainable ocean governance for all humankind.

The work of the Enterprise came into the spotlight during both the Council and Assembly meetings as it marked a “historic moment” when Interim Director-General Eden Charles presented his first report. The Enterprise is an organ of the Authority that is to carry out activities in the Area, including transporting, processing, and marketing minerals recovered from the Area. Delegates welcomed the report, commending, among other things, progress made on the development of reserved areas and approaches to joint venture operations. Many members urged for continuing efforts towards the full operationalization of the Enterprise.

The Council applauded the Legal and Technical Commission’s (LTC) work on the standardized procedure for the development, approval, and review of regional environmental management plans, including the template of minimum requirements and recommendations on technical guidance.

ISA members were also aligned in praising the ISA’s work in supporting the transfer of knowledge and marine technologies; capacity building in developing countries to ensure their meaningful participation in the ISA’s meetings and activities; and the empowerment of and equitable inclusion of women in marine and deep-sea sciences.

The establishment of the African Academy for Deep Sea Diplomacy in Yaoundé, Cameroon, and the regional training and research center in Alexandria, Egypt is a testament to the ISA’s efforts and achievements toward the institutionalization of capacity building in the African continent.

### ***Time for Change***

Not everything was about finding common ground, with the much-awaited election for the position of ISA Secretary-General creating a competitive environment. The election was finally held on the last day of the Assembly, setting the concluding tone for the meeting.

Out of 113 valid ballots cast, 79 were in favor of Leticia Reis de Carvalho of Brazil who will be the ISA Secretary-General for the next four years, assuming office on 1 January 2025.

For the last eight years, outgoing Secretary-General Lodge has led the ISA. Some praised his leadership, engagement with contractors, and the overall management of the Secretariat. However, others were disappointed in the lack of transparency within the Secretariat, and questioned Lodge’s neutrality in balancing environmental concerns and commercial aspirations.

For many delegates, as testified by the final electoral result, Carvalho will reinvigorate the ISA’s leadership while empowering women and the Global South. Most agreed that a third consecutive

term of the same Secretary-General would not be in the best interest of the organization and that change was necessary.

Many delegates were thrilled to have a woman in the position of Secretary-General for the first time in the ISA's history. Many are eagerly awaiting the new direction under her leadership, pointing to strengthening trust in the work of the Secretariat, and renewed momentum for the ISA as it works toward fulfilling its mandate.

Some eyebrows were raised by the absence of Secretary-General Lodge during the closing plenary of the Assembly. "He could at least have said goodbye," a participant half-joked on his way out.

### Eyes on 2025

Ninety-five Member States attended the Assembly, attesting to growing international interest in deep-sea mining. In the same vein, organizations with observer status also grew, reaching almost 60, following the approval of 14 new requests by the Assembly.

Support for a precautionary pause, moratorium, or ban on deep-sea mining grew to a total of 32 countries, with Austria, Guatemala, Honduras, Malta, and Tuvalu adding their voices to the call. Opponents of such measures stressed that a moratorium is not the solution, given that it would not operationalize the principle of the common heritage of humankind and stifle marine scientific research.

Notwithstanding this Gordian knot in the development of the ISA, it is clear to many delegates that for holistic, comprehensive, and integrated ocean governance, all ISA rules and regulations will need to align and be consistent with the implementation of environmental commitments under other relevant international instruments and frameworks, such as the Kunming-Montreal Global Biodiversity Framework under the Convention on Biological Diversity and the UN Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction. Whether the new leadership of the ISA will bring forth increased collaboration and reorient the direction negotiations will take when they reconvene in March 2025 remains to be seen.

While leaving for the airport, a delegate reflected on the election of the incoming Secretary-General, saying that "the margin of the results clearly demonstrates an overwhelming appetite to open a new chapter in the ISA's history." This new chapter will begin in January 2025.

### Upcoming Meetings

**11th meeting of the Conference of Contracting Parties to the Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean Region:** Delegates will reflect on progress made towards their objective of protecting the Western Indian Ocean region, renew commitment towards this goal, and strengthen multilateral partnerships. **dates:** 20-23 August 2024 **location:** Antananarivo, Madagascar **www:** [nairobiconvention.org/clearinghouse/cop11](http://nairobiconvention.org/clearinghouse/cop11)

**69th meeting of the International Whaling Commission (IWC6):** The meeting will review new conservation concerns, bycatch and entanglement, ship strikes, ocean noise, pollution and debris, and sustainable whale watching. **dates:** 23-27 September 2024 **location:** Lima, Peru **www:** [iwc.int/events-and-workshops/iwc69-2024](http://iwc.int/events-and-workshops/iwc69-2024)

**UN Biodiversity Conference 2024 (CBD COP 16):** The sixteenth meeting of the Conference of the Parties to the Convention

on Biological Diversity, the eleventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, and the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing will convene for the first time since the adoption of the Kunming-Montreal Global Biodiversity Framework. **dates:** 21 October - 1 November 2024 **location:** Cali, Colombia **www:** [cbd.int/conferences/2024](http://cbd.int/conferences/2024)

**2024 UN Climate Change Conference (UNFCCC COP 29):** This event will include the 29th session of the Conference of the Parties (COP 29), the 19th meeting of the COP serving as the Meeting of the Parties to the Kyoto Protocol (CMP 19), and the sixth meeting of the COP serving as the Meeting of the Parties to the Paris Agreement (CMA 6) that will convene to complete the first enhanced transparency framework and the new collective quantified goal on finance, among other matters. The 61st sessions of the Subsidiary Body for Scientific and Technological Advice (SBSTA 61) and the Subsidiary Body for Implementation (SBI 61) will also meet. **dates:** 11-22 November 2024 **location:** Baku, Azerbaijan **www:** [unfccc.int/cop29](http://unfccc.int/cop29)

**Plastics Treaty INC-5:** The 5th meeting of the Intergovernmental Negotiating Committee (INC) to develop an international legally binding instrument on plastic pollution, including in the marine environment, is the last scheduled meeting of the INC. **dates:** 25 November - 1 December 2024 **location:** Busan, Republic of Korea **www:** [unep.org/inc-plastic-pollution/session-5](http://unep.org/inc-plastic-pollution/session-5)

**First Part of the 30th Session of the ISA Council:** The Council will meet to deliberate over, among other things, negotiations of the draft regulations for the exploitation of minerals in the Area. **dates:** 17-28 March 2025 **location:** Kingston, Jamaica **www:** [isa.org.jm/sessions/30th-session-2025/](http://isa.org.jm/sessions/30th-session-2025/)

For additional upcoming events, see: [sdg.iisd.org](http://sdg.iisd.org)

### Glossary

1994 Agreement Area	1994 Implementing Agreement Relating to the Implementation of UNCLOS Part XI Seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction
BBNJ Agreement	Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction
DOSI	Deep Ocean Stewardship Initiative
DSCC	Deep Sea Conservation Coalition
EIA	Environmental impact assessment
EIS	Environmental impact statement
EMMP	Environmental management and monitoring plan
FSM	Federated States of Micronesia
ICE	Inspection, compliance, and enforcement
ISA	International Seabed Authority
ITLOS	International Tribunal for the Law of the Sea
IUCN	International Union for Conservation of Nature
LTC	Legal and Technical Commission
REMPs	Regional environmental management plans
RRPs	Rules, regulations and procedures
UCH	Underwater cultural heritage
UNCLOS	UN Convention on the Law of the Sea
UNEP	UN Environment Programme